

**TIGARD CITY COUNCIL, LOCAL  
CONTRACT REVIEW BOARD & CITY  
CENTER DEVELOPMENT AGENCY  
MEETING**

**March 28, 2006 6:30 p.m.**

**TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223**

**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

**SEE ATTACHED AGENDA**

A G E N D A  
TIGARD CITY COUNCIL  
BUSINESS MEETING  
MARCH 28, 2006

6:30 PM

- STUDY SESSION

- > Police Holding Facility Tour and Audit
    - ♦ Police Staff
  - > Review of Fiscal Year 2006-07 Community Event Funding Requests
    - ♦ Finance Staff
  - > Regulation of Payday Lending Businesses
    - ♦ Finance Staff
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council, Local Contract Review Board, and City Center Development Agency
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Tigard High School Student Envoy Krista Foltz
- Follow-up to Previous Citizen Communication



3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for February 14 and 21, 2006
- 3.2 Approve City Center Development Agency Minutes for February 21, 2006
- 3.3 Appoint New Members to the Building Appeals Board: Michael Kringlen, Doug Colling, Jeff Jurrens, Eric Watson, Gerald McKee, and Alan Mitchell – Resolution No. 06-\_\_\_\_\_
- 3.4 Approve Library Policies
- 3.5 Approve Submission of a Grant Application to Obtain Matching Funds to Construct the Jim Griffith Memorial Skate Park – Resolution No. 06-\_\_\_\_\_
- 3.6 Appoint Carol Krager as Deputy City Recorder – Resolution No. 06-\_\_\_\_\_
- 3.7 Local Contract Review Board
  - a. Award Contract to Morse Brothers, Inc., for the Construction of the Fiscal Year 2005-06 Pavement Major Maintenance Program (PMMP) – Phase 2
  - b. Award Contract to NW Kodiak Construction for the Construction of Highland Drive Storm Drainage Improvements

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

4. PUBLIC HEARING – 2006 US DEPARTMENT OF JUSTICE/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

- a. Open Public Hearing
- b. Declarations or Challenges
- c. Staff Report: Police Staff
- d. Public Testimony:
  - Proponents
  - Opponents
- e. Staff Recommendation
- f. Close Public Hearing
- g. Staff Recommendation

5. FURTHER CONSIDERATION AND DELIBERATION OF A RESOLUTION ADOPTING ADDITIONAL FINDINGS AND IMPOSING AN ADDITIONAL CONDITION FOR THE LAND USE BOARD OF APPEALS (LUBA) REMAND OF ASH CREEK ESTATES SUBDIVISION (SUB2003-00010/ZON2003-00003/PDR2003-00004/SLR2003-00005/VAR2003-0036/VAR2003-0037)

The State Land Use Board of Appeals (LUBA) has remanded for a second time the City Council's approval of a 29-lot Planned Development Subdivision on 9.3 acres and associated Zone Change, Sensitive Lands, and Adjustment reviews to address a single issue relating to tree preservation. As limited by LUBA, the issue remanded is whether the tree plan preserves trees to the greatest extent

possible, given that the second tree plan does not protect 23 trees designated for protection in the original tree plan, but not designated for protection in the revised tree plan previously approved. On this second remand, the applicant has submitted a second revised tree plan that amends the first revised tree plan by designating for protection the 23 trees specifically mentioned by LUBA. A full copy of LUBA's Final Opinion and Order can be obtained from City Hall at cost, or is also available online at <http://luba.state.or.us/pdf/2005/sept05/05042.htm>. **LOCATION:** 9750 SW 74<sup>th</sup> Avenue; WCTM 1S125DC, Tax Lots 300 and 400. **ZONE:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The only applicable criterion on the issue on which LUBA remanded is CDC 18.350.100.B.3.a.1, which requires that planned developments protect existing trees to the greatest degree possible.

At its February 28, 2006 meeting the City Council approved Resolution No. 06-09 approving the Ash Creek Estates Subdivision. At that meeting, the council requested the City Attorney's office prepare a supplemental resolution and findings to respond to oral and written comments at the public hearing.

- a. Procedural Status: City Attorney
  - b. Staff Report: Community Development Staff and City Attorney
  - c. Staff Recommendation
  - d. Council Discussion
  - e. Council Consideration: Resolution No. 06-\_\_\_\_\_
- 
6. FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 36 (SW 93<sup>RD</sup> AVENUE)
    - a. Open Public Hearing
    - b. Declarations or Challenges
    - c. Staff Report: Engineering Staff
    - d. Public Testimony
    - e. Staff Recommendation
    - f. Council Discussion
    - g. Close Public Hearing
    - h. Council Consideration: Resolution No. 06-\_\_\_\_\_
- 
7. EXPRESS SUPPORT TO INCLUDE CERTAIN KEY PROJECTS IN THE 2008-2011 STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)
    - a. Staff Report: Engineering Staff
    - b. Council Discussion
    - c. Council Consideration: Resolution No. 06-\_\_\_\_\_
- 
8. PRESENTATION ON THE CITY'S PARTICIPATION IN THE HEALTHY STREAMS PLAN
    - a. Staff Report: Public Works Staff
- 
9. COUNCIL LIAISON REPORTS

10. NON AGENDA ITEMS

11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

12. ADJOURNMENT

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Study Session: Review of FY 2006-07 Community Event Funding Requests

PREPARED BY: Robert Sesnon DEPT HEAD OK RHS CITY MGR OK ean for CP

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ISSUE BEFORE THE COUNCIL

Review applications for Community Event Grants and give preliminary direction as to which grants should be included in the FY 2006-07 Proposed Budget.

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STAFF RECOMMENDATION

Review grant requests and give preliminary direction on applications to be funded.

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INFORMATION SUMMARY

Each year, the City solicits applications from community organizations for grants for the following fiscal year. The City received nine formal applications by the February 3, 2006 deadline. The total funding requested is \$48,400 in direct contributions. An additional \$67,100 is provided as in-kind support by the Public Works Department for the Balloon Festival and 4<sup>th</sup> of July celebration. This does not include any in-kind support that might be provided by the Police Department.

According to the funding policy of the Budget Committee set in prior years, \$49,400 is available for these grants. On December 18, 2001, Council approved three resolutions guaranteeing base funding to three sponsored community events – Festival of Balloons - \$10,000; Broadway Rose - \$10,000; and Tigard 4<sup>th</sup> of July - \$7,500. After removing the guaranteed funding requests, a total of \$21,900 remains to be distributed amongst the six other applicants plus a request from the Tigard 4<sup>th</sup> of July for additional \$2,500 above their guaranteed amount. The total requested from these applicants is \$20,900. Any unallocated community event grants funds can either be reserved for the General Fund or could be used for additional Social Service Grant funding.

Staff is requesting that the Mayor and Council review the event requests and give recommendations on which requests should receive full, partial or no funding. The final funding decision will be made at the Budget Committee meetings in May.

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OTHER ALTERNATIVES CONSIDERED

This is a preliminary review only. Final funding decisions and exploration of alternatives will be made at the Budget Committee meetings in May.

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COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF 03/28/2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/ AGENDA TITLE City Council annual police holding facility tour and audit.

PREPARED BY: Lt. Ricky S. Rhodes DEPT HEAD OK lump CITY MGR OK eamfwcp

ISSUE BEFORE THE COUNCIL

Tour and inspection of the Police Department's Temporary Holding Facility as required by the Oregon State Department of Corrections.

STAFF RECOMMENDATION

Staff recommends Council members tour the Holding Facility to become familiar with its physical layout and policy.

INFORMATION SUMMARY

Annually, the Oregon State Department of Corrections is required to inspect jails and holding facilities throughout the State. This did not occur in 2004, but a State inspection was conducted in 2005. The State inspector recommended to the Police Department Inspections Officer that the governing body of the City tour the facility.

The attached letter from the Department of Corrections Inspector includes recommendations for improving facility operations. Chief Dickinson will discuss the jail audit and recommendations with Council during the jail inspection.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

Attachment 1 - Report from the State of Oregon on facility inspection dated January 5, 2006.  
Attachment 2 - Tigard Police Department General Order # 4.31 - Temporary Holding Rooms

FISCAL NOTES

No cost.



# Oregon

Theodore R. Kulongoski, Governor

## ATTACHMENT 1

### Department of Corrections

Community Corrections  
2575 Center Street NE  
Salem, OR 97301-4667  
Phone: 503-945-9050  
FAX: 503 373-7810



January 5, 2006

Bill Dickinson, Chief of Police  
Tigard Police Department  
13125 SW Hall Blvd.  
Tigard, Oregon 97223

Re: Inspection report on Temporary Hold facility


Dear Chief:

Enclosed is the inspection report on your temporary hold facility that I performed on December 28, 2005. Please convey my thanks to Lt. Ricky Rhodes for his assistance with the completion of my inspection.

Here are my recommendations for the improvement of your facility operations:

1. As discussed on site the holding of status and other non-offender juveniles in a secure setting is not permitted and a violation under the federal juvenile delinquency act. The records show two such violations for the past year;
2. Inspections by the fire marshal and a vendor to test the fire sprinkler system needs to be kept current and those records kept on site for me to examine;
3. Update the current policy and procedures to provide for sight and sound separation of adults and juveniles by what is referred to as "time phasing" of adults and juveniles since they are brought in and out of the same sally port and other common spaces. I will share with you by separate communication a sample policy and procedure for you to consider.

Sincerely,

  
Billy Wasson, Inspector

## Correctional Facility Data Sheet

OREGON DEPARTMENT OF CORRECTIONS  
COMMUNITY CORRECTIONS DIVISION  
2575 CENTER STREET NE  
SALEM, OR 97310-0470  
Phone: (503)-945-9050 FAX: 373-7810

County: Washington Inspector: Billy Wasson Date(s) Inspected: December 28, 2005

Name of Facility: City of Tigard Police Department

Address: 13125 SW Hall Blvd. City: Tigard ZIP: 97223

Facility Manager: Lt. Ricky S. Rhodes email: [22110@tigard-or.gov](mailto:22110@tigard-or.gov)  
Chief of Police Bill Dickinson

Manager Phone: 503-718-2571 General Phone: 503-639-6168 Fax: 503-639-0353

FACILITY DESIGNATION: Temporary Hold Facility

Construction Date: 1980 Remodel Dates: 1998

Total Design Capacity: Two cells (one single person and one multiple person 4-6)

Type of facility Podular ☒ Linear Type of supervision: Direct ☒ In-direct

### FACILITY DATA:

Male: Female: Juveniles (yes/no and number): 3 for 2005  
11 for 2004\*

Pretrial: Sentenced: Holds:

Average Daily Population: Annual bookings: 40 adults for 2005

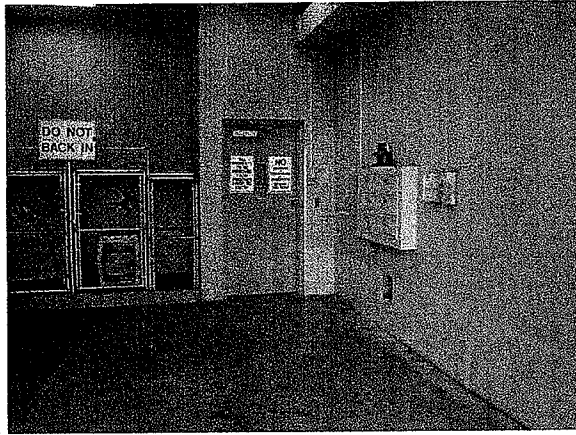
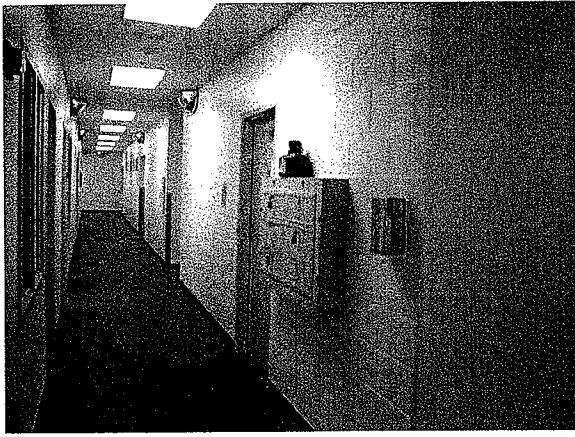
Average length of stay days: less than 4 hours

Incidence of Suicide or attempted Suicide? None

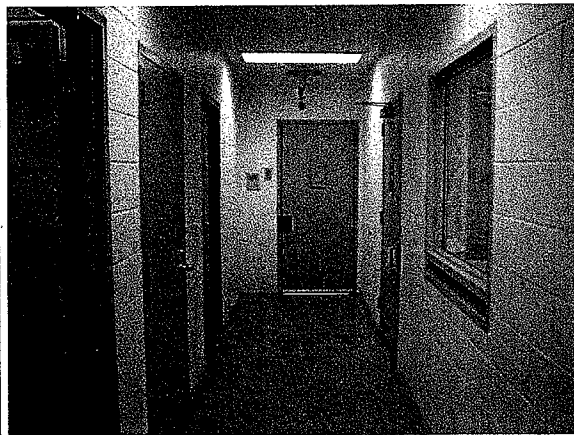
Holding for Other Jurisdictions: No ☒ If Yes, Who:

\*The juvenile intakes show for 2004 that two of the secure lodges were for runaway. One of these notes that the officer realizes that the juvenile should not be in the secure area and moves them to a non-secure area mid-way through the stay.

The agency does not keep a "log" but does individual booking sheets and keeps them for examination.



View on the left is the gun locker and one entry to the temp hold on the inside of the agency. The view on the right is the one car vehicle sally port and the gun locker and entry to the temp hold.



View on the left is the toilet facility and shower area and the right is the hallway in the jail with the sally port door at the far end.



Larger multi-person holding cell.



OTHER INSPECTIONS BY:

State Fire Marshal

Last inspection date: 4/17/03

Violations noted?

( ) Yes (✓) No

Have violations been abated?

( ) Yes ( ) No

Comments: Inspections should be conducted at least yearly

Fire Sprinkler System Check

Last inspection date: 7/15/02

Violations noted?

( ) Yes (✓) No

Have violations been abated?

( ) Yes ( ) No

Comments: Fire Sprinkler System should be checked at least yearly

Fire Alarm System Check

Last inspection date: 8/13/05

Violations noted?

( ) Yes (✓) No

Have violations been abated?

( ) Yes ( ) No

Comments: Fire Alarm system should be checked regularly

Health Department

Last inspection date: 4/25/03

Violations noted?

( ) Yes (✓) No

Have violations been abated?

( ) Yes ( ) No

Comments: Inspections should be conducted at least yearly.

Grand Jury (county facilities)

Last Date: N/A

Comments:

County Commissioners (county facilities)

Last Date: N/A

Comments: County should review facility yearly

City Council (city facilities)

Last Date: Not Available

Comments: City should review city facilities yearly

ADDITIONAL INSPECTIONS OR COMMENTS NOTED:

The Fire Marshal and Sprinkler System testing needs to be current within the year and proof of those inspections/tests furnished to the Oregon Department of Corrections Jail Inspector as soon as possible.

The agency is encouraged to keep moving forward with its efforts to remove all status offenders from the secure areas of the temporary holding facility and maintain sight and sound separation with adults in the handling of those juveniles. The department Temporary Hold policy should be amended to provide for sight and sound separation and "time phasing" when needed for adults and juveniles in the same areas. By separate communication I will send a model policy that has language for your agency to consider.

Billy F. Wasson, Inspector

## JAIL INSPECTIONS REPORT

### ORS 169.078 – STANDARDS FOR TEMPORARY HOLD FACILITIES

Hold Facility Inspected: Tigard Police Department

Yes   No

- |                                     |                          |     |   |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) | Provide access to sanitation facilities.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (2) | Provide adequate seating.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) | Maintain supervision of prisoners or detainees when confined. Such supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) | Prohibit firearms from the secure area except in times of emergency.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) | Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.   |

Inspector Signature: Billy Wasson Date: December 29, 2005

Comments:

## Juvenile Detention Facility Inspection Form

Facility Name: Tigard Police Department Temporary Hold

Contact: Lt. Ricky S. Rhodes

Phone: 503-718-2571

*Specific to compliance with the following two requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended:*

### **Deinstitutionalization of Status Offenders**

The JJDP Act requires States to assure "... that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult (i.e., status offenders and/or non-offenders), shall not be placed in secure detention or correctional facilities."

Are accused status and/or nonoffenders held for processing purposes only? ☒ yes ☐ no

Are adjudicated (sentenced) status and/or nonoffenders held? ☐ yes ☒ no

Are accused status offenders and civil-type offenders (noncriminal traffic, fish and game violations) held over 24 hours? ☐ yes ☒ no

### **Sight and Sound Separation**

The JJDP Act, as amended, provides that juveniles alleged to be or found to be delinquent, as well as status offenders and nonoffenders, "shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or awaiting trial on criminal charges."

Is contact possible between juveniles and incarcerated adults working in or around the detention facility? ☐ yes ☒ no

### **Policies and Procedures:**

Are there written policies and procedures addressing the:

Handling of status offenders ☒ yes ☐

Sight and sound separation from incarcerated adults working in or around the facility ☐ yes ☒

Removal of status offenders within 24 hours ☒ yes ☐


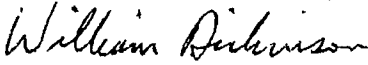
**Findings/Recommendations:**

**Keep the Runaways out of the secure temp hold areas. Amend the agency policy to provide for time phasing to insure that adults and juveniles are not in the area at the same time to maintain sight and sound separation.**

***The inspector reviewed facility records about persons detained during the past 12 months. For any juveniles held, the facility maintains proper data including: an identifier for each detained youth (e.g., name or initials), age, charge, date and time of admission, and date and time of release."***

Inspector: Billy Wasson

Date: December 29, 2005

	<i>Subject</i> <b>Temporary Holding Rooms</b>	<i>Effective Date</i> <b>8/1997</b>	<i>Number</i> <b>4.31</b>
	<i>Accreditation Reference</i> <b>71.1.6, 72.9.1, 72.9.2, 72.9.3, 72.9.4, 72.9.5, 72.9.6, 72.9.7</b>	<i>Revised Date</i> <b>5/2003</b>	<i>No. Pages</i> <b>6</b>
		<i>Chief of Police</i> 	

## I. PURPOSE

The purpose of this policy is to maintain a safe and secure operation of the Tigard Police Department Holding Rooms.

## II. DEFINITION

- A. "Temporary Hold" means a facility, the principal purpose of which is the temporary detention of a prisoner for four (4) or less hours while awaiting court appearance or transportation to a local correction facility. (ORS 169.005 (7))
- B. "Holding Room" means a secure room within the Tigard Police Department, the principal purpose of which is the temporary detention of a prisoner for two (2) or less hours while being processed, awaiting release, or preparation of paper work for court or transport.
- C. "Status Offender" means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult (Truancy, Curfew, Runaway, Possession and/or consumption of tobacco products and Possession and/or consumption of alcohol).

## III. POLICY

### A. Security

- All Police Department personnel, both sworn and non-sworn, receive written General Orders, as well as hands-on-training respective of their position for the handling of prisoners and the procedures for utilizing the temporary holding room and audio visual equipment.
- All holding room keys, when not in use, will be stored in the booking room. Under no circumstances are the holding room

keys to be removed from the holding room.

- Holding room keys will not be left unattended.
- No arrested person, visitor, or unauthorized person will be permitted to use, handle, or possess holding room keys.
- Officers will ensure the holding room doors are properly closed and locked when prisoners are inside.
- Pursuant to ORS 169.078, the Watch Commander or arresting officer will perform constant audio and visual observations involving security, control, custody and supervision of all confined detainees and prisoners, with personal inspection at least once each hour.

These personal inspections include, but are not limited to:

- signs of illness or injury
- signs of tampering with bars, locking devices, windows, plumbing, ventilator, grills, and cameras
- contraband, evidence or weapons
- unusual behaviors
- potential fire hazards

- Maintenance work should only occur when the holding room is unoccupied and should be supervised when possible. The watch commander or his designee will conduct a security check when the work is completed to ensure that tools or other contraband are not left in the holding area.
- Any unusual activity observed during security checks will be immediately investigated and noted on the jail log, as

well as the date and time each inspection was made. If a written report is required, pull a case number and forward a copy to the Division Commander.

- Prisoners of the opposite sex, as well as adults and juveniles, will be held in separate locations in accordance with law while in the holding area.
- No outside agency personnel will be permitted to use the booking area unless the agency officer is familiar with the holding room policy, or is assisted by a Tigard police officer who will be responsible for ensuring policy is followed.

#### B. Searches

1. The arresting or transporting officer shall search every prisoner, prior to entering or re-entering the Tigard Police holding room. A thorough search will be made for:
  - weapons or items that could be used as weapons,
  - contraband,
  - tools or items that could be used to aid an escape,
  - anything that could be a danger to the prisoner or the officer,
  - evidence or fruits of the crime
2. All the prisoner's property will be removed from the prisoner and placed into a bag or container and kept within the holding room until the prisoner is released or transported to a correctional facility. Under no circumstances will a prisoner be placed in a holding room with any article of clothing that could be used to hang themselves, (i.e., necktie, shoestrings, belts, or articles of clothing with strings.) A receipt will be issued to the prisoner for all property removed in accordance with ORS 133.455.
  - Weapons, contraband, evidence of crimes, or items that could be used to aid in escape will be listed on a Property Evidence Report (PER) and placed in to evidence.

- Items too large to be accepted at the jail will be listed on a PER and placed into evidence.
- The prisoner will sign the Prisoner Property Receipt once the property is removed and itemized. A copy of the receipt and (if applicable) PER will be given to the prisoner.
- If the prisoner refuses or is unable to sign the required sections of the Prisoner Property Receipt, the booking officer will enter "REFUSED" or "UNABLE TO SIGN" in the applicable boxes. If unable to sign, the officer will document the reason in their report.
- When the property is returned to the prisoner, they will sign the original receipt. If the prisoner is transferred to the Jail, the officer will complete the return of property process and have the prisoner sign the original receipt indicating they have received their property. The property then needs to be turned over to the Jail deputy who will conduct their own inventory.
- The original receipt will be attached to the officer's report and will be maintained in the case file.
- In cases where the prisoner is transported directly to the jail, then the prisoner will retain his/her personal property.

3. Officers shall conduct a security check of the room for weapons and contraband prior to placing a prisoner in an unoccupied room and again when the room becomes vacant.

#### C. Weapons

1. Pursuant to ORS 169.078 firearms shall be prohibited within the confines of the Tigard Police holding room except by direct order of the Chief of Police or his designee during extreme emergencies.
2. Prior to entering the holding room, officers shall place all firearms, ammunition, knives, batons, asps, or other tools in their patrol vehicles or in the locker located in the sally port or in

the police building hallway located outside the booking area.

3. All police officers using the holding room shall assure that no armed officer is permitted to enter the holding room.
4. Non-lethal weapons, such as defensive spray Oleoresin Capsicum, are permitted within the holding room; however, the use of such non-lethal weapons shall be limited to:
  - prevent escapes
  - prevent physical injury
  - quell riotous disturbances
  - protection of the officer
5. If the situation arises in which the use of non-lethal or less lethal weapons is justified, and time permits, the Watch Commander shall evaluate the circumstances and approve or disapprove the use of such weapons.

D. Sally Port Operation

1. All police agencies utilizing the Tigard Police holding room sally port shall adhere to the established procedure for its use; and all Tigard Police personnel shall adhere to the established operational procedures.
2. The Tigard Police sally port area is considered a safe area and no tools, weapons, or any other items that could be used as a weapon will be accessible or stored unsecured within the confines of the sally port area.
3. Police officers with persons in custody wishing to enter into the Tigard Police sally port will pull up to the gate, exit their vehicle and enter the code for opening the gate at the control box located near the overhead gate. Upon entering into the sally port area, the officer will again exit his vehicle and push the control button near the weapons locker to close the gate.
4. Prior to removing any prisoner from the vehicle, the officer will secure all weapons, ammunition, knives, batons, asps, or other tools in the lockers provided or into the trunk of their vehicle.

Only then will a prisoner be allowed to exit the vehicle.

5. All officers exiting the Tigard Police holding room via the sally port shall make sure their prisoner is secured within their vehicle prior to retrieving their weapons or other items from a secured locker or the trunk of their vehicle. The officer will enter the security code to open the sally port gate and when the gate is fully open the officer may back their vehicle out of the sally port area. After backing out of the sally port the officer will exit their vehicle and push the button at the control box to close the gate. No officer will leave the sally port gate open upon leaving the facility.
6. Occasionally the sally port will be in use when another officer arrives. The arriving officer may elect to unload their prisoner and walk the prisoner into and through the sally port area to enter the holding room. The officer can use this procedure providing the officer has secured his firearm, ammunition, baton, asps or other tools in the lockers provided or the trunk of their vehicle.

E. Prisoners

1. All persons over eighteen (18) years of age arrested by this agency, and not released at the scene by citation in lieu of custody, may be transported to the Tigard Police Department for booking.
2. Officers will not exceed the maximum capacity or capabilities of the holding room based upon the number of prisoners or their status that would require separation or segregation. Physical custodies that would exceed the capacity of the holding room will be transported directly to jail. The handling of anticipated multiple or mass arrests shall be delineated in the operations plan for the incident or coordinated with outside agencies.
3. When a prisoner is admitted to the Tigard Police holding room, the prisoner's restraining devices will be removed at the discretion of the officer admitting the prisoner to the facility.

No prisoner will be admitted to the Tigard Police holding room that is combative,

violent, suicidal, or has a history of escape. They will, at the direction of the Watch Commander / Shift Supervisor, be segregated and transported directly to the appropriate medical or correctional facility.

4. No person will be placed in the Tigard Police temporary holding rooms if:

- the person is unconscious, medically impaired or physically unresponsive; or
- an evaluation of that person for "suicide" or any history or current conduct would raise a concern for doing harm to self or others

5. Prisoners accepted into the Tigard Police holding room will have their names DOBs, charges, case numbers, time of entry and exit times entered into a log book located in the booking area.

6. All officers will complete the medical evaluation portion of the custody report on each prisoner. Obvious sign of illness or injury will be noted on the custody. Officers will specifically ask prisoners about existing medical conditions or prescribed medications.

Prisoners may require prescribed medications at regular intervals. If a prisoner claims a need for such prescribed medication, medical personnel should be contacted immediately to determine the importance of administering the medication, the risk associated with delay in administration, the potential for overdose, etc.

7. All prisoners shall be given adequate access to sanitation facilities.

- Prisoners will only use the sanitation facilities designated for them. They will not be permitted under any circumstances, to use the sanitation facilities in the booking room area.

8. All prisoners will be given the opportunity to make a telephone call upon completion of the booking process. This phone call will be primarily for the purpose of:

- contacting an attorney,
- arranging bail,

- arranging transportation upon release, or

- notifying relatives or friends of their present circumstances

9. Whenever a prisoner is placed into one of the temporary holding rooms, the electronic monitors will be activated for visual and audio monitoring. Every prisoner will be physically checked at least once every hour and visually checked at least once every 30 minutes. Prisoners taken to interview rooms will not be left unattended at any time.

10. Prisoners who are not in a holding room or being photographed may be restrained, either in the prisoner chair or with other provided devices.

11. During detention, booking or interviews, prisoners may be handcuffed to fixed objects (i.e. Booking room rebar, holes in the holding room and booking room benches) to maintain control and enhance officer safety. Custodial officers will remain with their prisoners when prisoners are handcuffed to fixed objects. **Prisoners handcuffed to fixed objects will not be left unattended at any time.**

12. **Prisoners held within the Tigard Police holding rooms will be processed within two (2) hours.** This period of time includes booking and interviewing. If there are exigent circumstances that require a longer processing time, the arresting officer shall contact the watch commander, advising of the exigent circumstances, and obtain specific approval for continued detention. The circumstances will be documented in the arresting officer's report. The name of the watch commander and the time of approval will be included in the report.

13. After booking is completed and the prisoner is to be transported to a correctional facility, if the arresting officer is not the transporting officer, he/she will make arrangements for the care, custody and paperwork of their prisoner with the transporting officer. This includes monitoring electronically or physically until the prisoner is transported.

#### F. The Restraint Chair



The restraint chair may be used when a prisoner's behavior presents a threat to themselves, to other people in the facility, or to the general safety and security of the facility.

- Use of the restraint chair must be approved by the on-duty Watch Commander/Shift Supervisor. If possible, the Watch Commander/Shift Supervisor will be present when the prisoner is restrained in the chair.
- Officers, who place prisoners in the restraint chair, are responsible for ensuring that all straps are snugly secured. Caution should be used to ensure that blood flow or respiratory circulation is not inhibited.
- Officers who are supervising any prisoner placed in the restraint chair shall examine the restraints at regular and frequent intervals, not to exceed fifteen (15) minutes. Times shall be documented in the physical control report. Caution should be used to ensure circulation is not restricted and that the restraints are secure. **Prisoners placed in the restraint chair will not be left unattended at any time**
- As with all restraints, this restraint should be removed as soon as possible once it has accomplished the purpose for which it was originally used. Watch Commanders / Shift Supervisors are responsible for ensuring the arresting officer is monitoring the status of the prisoner restrained in the restraint chair, and discontinuing its use as soon as control of the prisoner is regained.
- Documentation of the use of the restraint chair shall be reported on the Tigard Police Department's Physical Control Report. The report will also include the time the prisoner was placed in the restraint chair, why it was used and the time the prisoner was removed from the restraint chair.
- If at any time the prisoner, while in the restraint chair, should experience respiratory or circulation problems, the arresting officer shall immediately evaluate the prisoner's removal from the restraint chair and summon medical

personnel to examine the prisoner for any medical problems and notify the Watch Commander/Shift Supervisor.

- The restraint chair shall not be used in a punitive manner or for any disciplinary reasons.
- Under no circumstances will the prisoner's mouth or nose be covered with any material that will restrict their normal breathing, nor will anything be placed inside the prisoner's mouth to stop the prisoner from screaming or spitting.

#### G. Juveniles

1. Juvenile offenders under the age of twelve (12) and/or status offenders cannot be held in secure rooms.
2. Juveniles meeting the above criteria need to be held in a non-secure room (no locking door). They should be placed into supervised interview rooms. The officer responsible for the juvenile shall not leave them unattended. Juveniles cannot be held in this manner longer than 4 hours. Completion of the Prisoner Property/Booking form is still required with the officer noting on the form that the juvenile was held in an un-secure room.
3. Juvenile offenders between the ages of twelve (12) and eighteen (18) may be placed into supervised secure rooms but not in the same room with an adult prisoner. If adult prisoners are in the rooms, or brought in to be held while juveniles are present, the juvenile(s) can be moved out of sight and sound of the adult prisoner, but they are not required to be moved out of the facility. Juveniles being held in a secure room will be held in compliance with section E. 12 of this policy.

#### H. Visitation

General visitations with prisoners are not allowed. In the event the prisoner needs to meet with an attorney at the Police Department, they will be moved to the secure interview room adjacent to the holding room and afforded privacy for conversation. The attorney should be searched if he will be in direct contact with the prisoner. The prisoner should be searched before being returned to the holding room.

I. Evacuation Plan

The custodial officer is responsible for evacuation of his/her prisoner(s) in accordance with the City of Tigard Emergency Response Guidelines for city buildings. The custodial officer will ensure the security of the prisoner(s) during the time the prisoner(s) are not in the holding room.

No prisoner will be evacuated for scheduled practice drills. The custodial officer will remain in the building with his/her prisoner(s) during scheduled practice drills.

All personnel working in the holding room shall be trained in emergency evacuation procedures and equipment.

J. Inspections

The Tigard Police holding room will be inspected as follows:

- The Night Shift Watch Commander or Shift Supervisor will make an inspection daily using the inspection checklist. The completed checklist will be maintained on the inspection clipboard in the holding room until archived pursuant to ORS.
- The Fire Department semi-annually
- On a continual basis by members of the Tigard Police Department when using the holding room
- The facilities coordinator will ensure that the automatic fire detection devices are inspected, serviced and/or repaired at least annually or as needed

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ATTACHMENT LIST

Summary chart of Community Event Grant requests  
Community Event Grant Applications (9)

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FISCAL NOTES

Requests for total direct contributions are \$48,400. Requests will be funded from the FY 2006-07 General Fund budget.

City of Tigard  
FY 2006-07  
Community Event Grant Requests

Target (based on proportional share of policy set-aside) = \$49,400

Agency		FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	
		Actual	Actual	Actual	Budget	Requested	Recommended
Art Resources of Tigard (ART)							
	Direct	\$3,750	\$0	\$0	\$0	\$0	
	In-Kind						
Afalati Recreation District/Tigard Recreation Assoc.							
	Direct	0	5,000	5,000	5,000	5,000	
	In-Kind				46,000	0	
Broadway Rose*							
	Direct	10,000	10,000	10,000	10,000	10,000	
	In-Kind					0	
City of Tigard Dog Park							
	Direct	0	400	450	400	400	
	In-Kind				13,000	0	
Festival of the Balloons**							
	Direct	0	10,000	10,000	10,000	10,000	
	In-Kind				30,500	65,000	
Tigard Blast							
	Direct	5,000	5,000	5,000	5,000	0	
	In-Kind				1,100	0	
Tigard Chamber of Commerce							
	Direct	0	0	0	0	5,000	
	In-Kind					0	
Tigard 4th of July***							
	Direct	7,500	7,500	7,500	7,500	10,000	
	In-Kind				1,600	1,600	
Tigard High Graduation Ceremony							
	Direct	750	1,000	2,000	2,000	2,000	
	In-Kind					0	
Tualatin Riverkeepers							
	Direct	2,000	2,000	2,500	6,275	4,000	
	In-Kind				1,500	500	
Tualatin Valley Community Band							
	Direct	1,850	1,850	2,000	2,000	2,000	
	In-Kind						
Total							
	Direct	\$30,850	\$42,750	\$44,450	\$48,175	\$48,400	\$0
	In-Kind	\$0	\$0	\$0	\$93,700	\$67,100	\$0

\*Per Resolution No. 00-22, guaranteed \$10,000 each year

\*\*Per Resolution No. 00-20, guaranteed \$10,000 each year

\*\*\*Per Resolution No. 00-21, guaranteed \$7,500 each year

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

02-02-06P01:42 RCVD

**FY 2006-07  
COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name:

Atfalati (Cook Park Concession Stand)

Address:

19600 SW Cipole Rd.

City, State, Zip:

Tualatin, OR. 97062

Contact Name:

DAVE NICOLI / CINDY PADILLA

Telephone Number:

503.692.6080

E-mail address:

DNICOLI@dpnicoli.COM

1. **Request** (express in whole dollar amounts only)

Cash

\$5,000

In-Kind Services (use of City property, City staff support,  
etc. Please explain the services requested on a separate sheet)

\$

Total Request

\$5,000

2. **Purpose of Funding Request:** to offset the annual payment made per second Amendment to Agreement between the City of Tigard and Atfalati Recreation District, Section 1.1. Atfalati Recreation District has committed to repay the City of Tigard over a ten-year period of time.

3. **How will this event benefit the Tigard Community?** The Cook Park Concession Stand and adjoining baseball/soccer fields enhance the recreation opportunities for the youth of Tigard. The new facilities provide a safe, clean, and desirable environment for children and their families.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?** The annual attendance at Cook Park for baseball and soccer games/practices/tournaments is est. to be 30,000. For example, a single Saturday/Sunday game weekend for soccer will bring upwards of 1,000 people (450 players + 500-750 parents/relatives) into the park.

5. **Please submit the following information with this request:**

- a. Detailed budget, including FY 2004-05 actual expenditures, FY 2005-06 Adopted Budget, and FY 2006-07 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. \*\*
- b. Audit report or financial statements for the last fiscal year.\*\*

- c. **Articles of Incorporation.\***
- d. **501(c)(3) status.\***
- e. **Organization Bylaws\***

\* Information not required if it has been submitted at least once in the last five years.

\*\* Lack of adequate financial information could result in denial of request.

***An electronic version of this application is available by contacting Maureen Denny at  
maureen@tigard-or.gov.***

**Tigard LL Income Statement  
2006**

			2005 Actual	BUDGET 2006	2006 Actual
2.01.00	<b>Capital Improvement Fund</b>		<b>\$33,461</b>		
2.02.01	<b>Contributions</b>	Photo Rebate	\$1,870.00	\$1,800.00	
2.02.02		Sponsorships	\$32,645.00	\$35,000.00	
2.02.03		Scholarship Donation	\$763.48	\$0.00	
2.02.04		Volunteer Matching	\$1,562.48	\$0.00	
2.02.05		Misc. Contributions			
		District 4:			
2.02.06		Safety Improvement Loan		\$0.00	
2.02.07		Safety Improvement Gift		\$0.00	
2.02.08		Accident Insurance Credit	\$439.00	\$400.00	
	<b>Total Contributions</b>		<b>\$37,279.96</b>	<b>\$37,200.00</b>	<b>\$0.00</b>
2.03.00	<b>Fund Raising</b>	Fund Raiser Inc.		\$0.00	
	<b>Total Fund Raising</b>		<b>\$0</b>		
2.04.01	<b>Interest Income</b>	Savings	\$48.31	\$100.00	
2.04.02		Scholarship Funds		\$100.00	
2.04.03		Tournament Fund		\$100.00	
	<b>Total Interest Income</b>		<b>\$48.31</b>	<b>\$300.00</b>	<b>\$0.00</b>
2.05.01	<b>Non- Registration Revenue</b>	Clinics	\$680	\$0.00	
2.05.03		Concessions Cook Park	\$939.61	\$1,000.00	
2.05.04		Tigard Home Plate	\$10,562.73	\$10,000.00	
2.05.05		TLL Apparel Sales	\$18,166.60	\$500.00	
2.05.06		9-10 Honors Tournament	\$3,854.34	\$0.00	
	<b>Total Non- Registration Revenue</b>		<b>\$34,203.28</b>	<b>\$11,500.00</b>	<b>\$0.00</b>
2.06.01	<b>Uniform Sales</b>	Baseball (466 Players)	\$23,655.00	\$23,300	
2.06.02		Pee Wee (312 Players)	\$9,180.00	\$9,360	
2.06.03		Softball (300 Players)	\$9,850.00	\$15,000	
2.06.04		Post Season Fee Baseball	\$2,880.00	\$2,880	
2.06.05		Uniform Replacement Fund B	\$750.00	\$720	
2.06.06		Post Season Fee Softball	\$1,610.00	\$1,680	
2.06.07		Uniform Replacement Fund S	\$690.00	\$720	
	<b>Total Uniform Sales</b>		<b>\$48,615.00</b>	<b>\$53,660</b>	<b>\$0</b>
2.07.00	<b>THP Field Improvement-'03</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
2.08.00	<b>Cook Park Fund</b>				
2.08.01		Baseball (466 Players)	\$4,680.00	\$4,660	
2.08.02		Pee Wee (312 Players)	\$3,050.00	\$3,120	
2.08.03		Softball (300 Players)	\$1,970.00	\$3,000	
2.08.04		Fall Ball	\$780.00	\$650	
2.08.05		Late Fees	\$15.00	\$0	
	<b>Total Cook Park Fund</b>		<b>\$10,495.00</b>	<b>\$11,430</b>	<b>\$0</b>
2.09.01	<b>Registration</b>	Baseball (466 Players)	\$18,700.00	\$18,640	
2.09.02		Pee Wee (312 Players)	\$8,880.00	\$9,360	
2.09.03		Softball (300 Players)	\$7,760.00	\$12,000	
2.09.04		Fall Ball	\$3,145.00	\$2,600	
2.09.05		Late Fees		\$0	
	<b>Total Registration</b>		<b>\$38,485.00</b>	<b>\$42,600</b>	<b>\$0</b>
	<b>Total Income</b>		<b>\$202,587.55</b>	<b>\$156,690.00</b>	<b>\$0.00</b>

# TLL EXPENSE STATEMENT

## 2006

		2005 Actual	2006 Budget	2006 Budget
1.01.00	<b>Education</b>			
1.01.01	Baseball	\$2,364.45	\$1,500.00	
1.01.02	Softball	\$65.50	\$1,000.00	\$150.00
1.01.03	Umpires - Baseball	\$0.00	\$300.00	
1.01.04	CPR Training	\$500.00	\$600.00	
1.01.05	Positive Coaches Alliance	\$2,200.00		
	<b>Total Education</b>	<b>\$5,129.95</b>	<b>\$3,400.00</b>	<b>\$150.00</b>
1.02.00	<b>Cook Park Expansion</b>			
	Capital Equipment			
1.02.01	Dugouts and Bullpens	\$14,045.00		
1.02.02	Dirt and Turface			
1.02.025	Netting	\$3,287.00		
	Misc. Equipment			
1.02.03	Railings			
1.02.03	Bleachers (Cook 3 & 4)		\$3,000.00	
1.02.03	Misc - Replacement		\$1,000.00	
	<b>Total Cook Park Expansion</b>	<b>\$17,332.00</b>	<b>\$4,000.00</b>	<b>\$0.00</b>
1.03.00	<b>Equipment</b>			
1.03.01	Baseball Equipment	\$7,875.75	\$9,700.00	
1.03.02	Softball Equipment	\$1,186.25	\$2,750.00	
1.03.03	Umpire Equipment	\$499.20		
	Field Equipment			
1.03.04	Baseball-Bullpens	\$12,869.00		
1.03.05	Softball-CFT		\$3,000.00	
1.03.06	Softball-Metzger		\$1,500.00	
	<b>Total Equipment</b>	<b>\$22,430.20</b>	<b>\$16,950.00</b>	<b>\$0.00</b>
1.04.00	<b>Field Maintenance-- Baseball</b>			
1.04.01	Bleachers	\$964.71		
1.04.02	Chalk			
1.04.03	Dirt	\$1,457.80	\$1,500.00	
1.04.04	Fencing	\$224.00	\$200.00	
1.04.05	Misc. Repairs	\$553.99	\$500.00	
1.04.06	Tools	\$647.58	\$500.00	
1.04.07	Fertilizer & Seed			
1.04.08	Turf-MVP	\$2,939.80		
1.04.09	Turf/Quick Dry/Chalk		\$3,300.00	
	<b>Total Field Maintenance Baseball</b>	<b>\$8,787.88</b>	<b>\$6,000.00</b>	<b>\$0.00</b>



# TLL EXPENSE STATEMENT 2006

		2005 Actual	2006 Budget	2006 Budget
1.05.00	<b>Field Maintenance--Softball</b>			
1.05.01	Chalk			
1.05.02	Dirt	\$14.25	\$200.00	\$75.00
1.05.03	Misc-Repair	\$251.24	\$300.00	
1.05.04	Fertilizer			
1.05.05	Turf-MVP	\$816.00		
1.05.05	Turf/Quick Dry/Chalk		\$1,500.00	
	<b>Total Field Maintenance Softball</b>	<b>\$1,081.49</b>	<b>\$2,000.00</b>	<b>\$75.00</b>
1.06.00	<b>Fund Raising Expense</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
1.07.00	<b>Insurance</b>			
1.07.01	Additional Fields Insurance	\$121.20	\$120.00	
1.07.02	Board & Volition		\$0.00	
1.07.03	Crime	\$180.00	\$180.00	
1.07.04	Liability	\$2,407.50	\$2,500.00	
1.07.05	Player Insurance	\$2,078.60	\$2,300.00	
1.07.06	Storage Insurance		\$0.00	
	<b>Total Insurance</b>	<b>\$4,787.30</b>	<b>\$5,100.00</b>	<b>\$0.00</b>
1.08.00	<b>LL Charter Expense</b>	<b>\$1,296.00</b>	<b>\$1,500.00</b>	
1.09.00	<b>Tigard Home Plate</b>			
1.09.01	Inventory	\$4,381.97	\$4,500.00	
1.09.02	Equipment		\$400.00	
1.09.03	Building Improvements	\$8,028.26	\$200.00	
1.09.04	Special Sales			
	<b>Total Tigard Home Plate</b>	<b>\$12,410.23</b>	<b>\$5,100.00</b>	<b>\$0.00</b>
1.10.00	<b>TLL Apparel Sales Expense</b>	<b>\$14,737.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
1.11.00	<b>Umpire Expense</b>			
1.11.01	Baseball	\$11,212.00	\$18,400.00	
1.11.02	Softball	\$1,724.50	\$3,000.00	
1.11.03	Fall Ball	\$600.00	\$1,000.00	
	<b>Total Umpire Expense</b>	<b>\$13,536.50</b>	<b>\$22,400.00</b>	<b>\$0.00</b>
1.12.00	<b>Cook Park Expansion</b>			
1.12.01	Land Purchase	\$7,500.00	\$10,000.00	
1.12.02	Concession Improvements	\$3,989.14	\$7,000.00	\$6,994.70
1.12.03	Cook Park Improvement Fund			
1.12.04	District 4 Safety Improvement Loan			
	<b>Total Cook Park</b>	<b>\$11,489.14</b>	<b>\$17,000.00</b>	<b>\$6,994.70</b>

# TLL EXPENSE STATEMENT 2006

		2005 Actual	2006 Budget	2006 Budget
<b>1.13.00</b>	<b>Room Rentals</b>			
1.13.01	Baseball	\$1,300.00	\$2,500.00	
1.13.02	Softball	\$924.00	\$1,500.00	
1.13.03	Baseball Tryouts	\$144.00	\$250.00	
1.13.04	Softball Tryouts	\$120.00	\$325.00	
1.13.05	Board Meetings	\$195.00	\$200.00	\$15.00
1.13.06	Storage	\$2,481.50	\$4,850.00	\$4,748.74
1.13.07	CPR Training	\$120.00	\$100.00	
	<b>Total Room Rental</b>	<b>\$5,284.50</b>	<b>\$9,725.00</b>	<b>\$4,763.74</b>
<b>1.14.00</b>	<b>Utilities</b>			
1.14.01	Alarm Service		\$360.00	
1.14.02	Garbage Collection	\$768.02	\$800.00	
1.14.03	Sanitation Removal	\$2,432.94	\$3,000.00	
1.14.04	Telephone	\$425.53	\$425.00	\$77.34
1.14.05	Electric Cook Park	\$71.41	\$75.00	
	<b>Total Utilities</b>	<b>\$3,697.90</b>	<b>\$4,660.00</b>	<b>\$77.34</b>
<b>1.15.00</b>	<b>Operation Expenses</b>			
1.15.01	Sponsorship Expense	\$1,980.00	\$3,000.00	
1.15.02	Postage	\$338.95	\$800.00	
1.15.03	Printing	\$1,135.50	\$2,500.00	
1.15.04	Awards & Pins		\$750.00	
1.15.05	Books	\$155.50	\$200.00	
1.15.06	Web Site	\$120.00	\$240.00	\$240.00
1.15.07	Opening Day Supplies	\$375.93	\$375.00	
1.15.08	Admin. Supplies	\$1,340.94	\$1,000.00	
1.15.09	Registration Supplies	\$189.82	\$300.00	
1.15.10	Safety Supplies	\$199.90	\$200.00	
1.15.11	Cartography			
1.15.12	CT 12 Tax Report	\$155.00	\$155.00	\$50.00
1.15.13	Board Meeting Expense	\$301.11	\$200.00	
1.15.14	Petty Cash	\$100.00	\$100.00	
	<b>Total Ops Expenses</b>	<b>\$6,392.65</b>	<b>\$9,820.00</b>	<b>\$290.00</b>
<b>1.16.00</b>	<b>Contributions</b>			
1.16.01	Alpenrose World Series/Regional Tourn	\$600.00	\$500.00	
1.16.02	Service Awards	\$984.97	\$100.00	
1.16.03	Registration Drawing	\$270.00	\$270.00	
1.16.04	Fountain Memorial			
	<b>Total Contributions</b>	<b>\$4,554.97</b>	<b>\$870.00</b>	<b>\$0.00</b>

# TLL EXPENSE STATEMENT

## 2006

		2005 Actual	2006 Budget	2006 Budget
1.17.00	<b>Tournament Fees</b>			
1.17.01	Baseball Post Season	\$1,650.00	\$1,925.00	
1.17.02	Softball Tournaments	\$825.00	\$1,100.00	
1.17.03	9/10 District 4 Honors Tournament	\$2,961.02		
1.17.04	Post Season Team Expenses	\$3,650.00		
	<b>Total Tournament Fees</b>	<b>\$9,086.02</b>	<b>\$3,025.00</b>	<b>\$0.00</b>
1.18.00	<b>Uniforms</b>			
1.18.01	Baseball (466 Players)	\$21,265.13	\$23,300	
1.18.02	Pee Wee (312 Players)	\$7,205.62	\$9,360	
1.18.03	Softball (300 Players)	\$10,110.45	\$15,000	
1.18.04	Baseball Post Season	\$3,074.65	\$2,800	
1.18.05	Softball Post Season	\$1,471.92	\$1,200	
1.18.06	Patches	\$855.00	\$700	
1.18.07	Umpire Shirts	\$268.25		
	<b>Total Uniforms</b>	<b>\$44,251.02</b>	<b>\$52,360.00</b>	<b>\$0.00</b>
	<b>Scholarships and Raffle</b>			
1.19.00	Scholarship Expense	\$4,570.00	\$0.00	
	<b>Total Scholarships</b>	<b>\$4,570.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
	<b>Total Expenses</b>	<b>\$190,854.75</b>	<b>\$163,910.00</b>	<b>\$12,350.78</b>

**Southside Soccer Club**  
**Profit & Loss**  
December 2004 through November 2005

	<u>12/1/2004 - 11/30/2005</u>
<b>Income</b>	
Apparel	15,426.50
Concessions	1,426.95
Donations/Sponsorships	
Nike Match Contributions	2,370.00
Rental - Field Time	3,200.00
Scholarship Fund	8,068.00
Donations/Sponsorships - Other	18,251.51
<b>Total Donations/Sponsorships</b>	<b>31,889.51</b>
 Fundraising	
Scrip Sales	448.73
Fundraising - Other	73,462.60
<b>Total Fundraising</b>	<b>73,911.33</b>
 Interest Income	4,223.50
Miscellaneous	558.85
Registrations	
Refunds	-14,405.50
Returned Checks	-4,716.50
Registrations - Other	618,768.22
<b>Total Registrations</b>	<b>599,646.22</b>
 Uniforms Sold	86,467.50
<b>Total Income</b>	<b>813,550.36</b>
 <b>Cost of Goods Sold</b>	
Apparel Expense	10,016.01
Coaches Pay	
Coaches Training	1,425.00
Coaches Pay - Other	116,705.45
<b>Total Coaches Pay</b>	<b>118,130.45</b>
 Director Fees & Expense	
Referee Director	6,706.50
Tournament Director	17,100.37
Tournament Reimbursables	120.80
Web Site Fees	2,189.95
Director Fees & Expense - Other	14,817.06
<b>Total Director Fees &amp; Expense</b>	<b>40,934.68</b>

**Southside Soccer Club**  
**Profit & Loss**  
December 2004 through November 2005

12/1/2004 - 11/30/2005

Equipment	13,778.09
Fields	
Cook Park	12,122.75
Maintenance & Repair	6,434.19
Stadium Turf	11,260.00
Tigard Turf	70,341.72
TTSD Facilities	5,430.00
Fields - Other	2,600.00
Total Fields	108,188.66
Fundraising Supplies	46,456.20
Goods incl in Registration	18,902.49
OYSA Fees	79,249.18
Referees	64,853.50
Sanitary Services	8,305.54
Scholarship Expenses	3,368.00
Team Expenses	3,000.00
Uniforms Purchased	77,759.35
Total COGS	592,942.15
Gross Profit	220,608.21
Expense	
Advertising	5,463.35
Automobile Reimbursements	299.45
Bank & Credit Card Fees	6,084.30
Committee Expenses	12,639.31
Health Insurance Reimbursement	1,000.00
Insurances	650.00
Legal and Accounting	1,460.00
Maintenance & Repair	134.53
Meals & Entertainment	2,153.69
Office Expenses	
Computer/Internet	4,175.24
Copy Machine Service	1,410.08
Telephone	
Cellular Phones	2,302.83
Telephone - Other	2,768.27
Total Telephone	5,071.10

**Southside Soccer Club**  
**Profit & Loss**  
December 2004 through November 2005

12/1/2004 - 11/30/2005

Office Expenses - Other	30.00
Total Office Expenses	<u>10,686.42</u>
Office Supplies	6,143.86
Outside Services (Contracted)	3,454.00
Payroll Taxes	14,945.97
Postage & Shipping	5,086.91
Printing	4,815.56
Rent & Utilities	12,153.02
Salaries & Wages	128,560.54
Travel & Conventions	669.16
Web Site Provisioning	17,253.35
X-SSC Exp. Allocation	<u>0.00</u>
Total Expense	<u><u>233,653.42</u></u>
Net Income	<u><u>-13,045.21</u></u>

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

**FY 2006-07**

## **COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name: The Broadway Rose Theatre Company  
Address: PO Box 231004  
City, State, Zip: Tigard, OR 97281  
Contact Name: Sharon Maroney  
Telephone Number: 503-603-9862  
E-mail address: brtcsn@aol.com

**1. Request (express in whole dollar amounts only)**

<b>Cash</b>	<b>\$10,000</b>
<b>In-Kind Services</b> (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	<b>\$0.00</b>
<b>Total Request</b>	<b>\$10,000</b>

NOTE: The Broadway Rose Theatre Company is excited to share the news that we are in negotiations with The Tigard/Tualatin School District for the renovation and long-term lease of the CF Tigard Cafetorium. This additional theater space will bring us ever closer to our goal of producing theater year-round.

**2. Purpose of Funding Request:**

The Broadway Rose Theatre Company requests funding from the City of Tigard in order to continue to provide Tigard residents with high quality, professional theatre at an affordable price. This summer The Broadway Rose will present its 15<sup>th</sup> season at the Deb Fennell Auditorium in Tigard. We will produce five shows in eight performing weeks, June 30 - August 20, 2006. Our season opens with the musical spectacular, *42<sup>nd</sup> Street*, followed by *Sisters of Swing*, a spirited musical revue about the lives of The Andrews Sisters, and concluding with everyone's favorite musical phenomenon, *Little Shop of Horrors*. Our summer schedule also includes two children's shows, *Cinderella* and *Aladdin*, and three youth drama camps. In addition to our summer season, the company produces a holiday show, cabaret series and a play reading series.

Our most dramatic growth spurt occurred last season. From 2004 to 2005 our season ticket sales increased by 16%, single ticket sales increased by 27% and individual donations increased by 33%. 2005 marked our largest audience yet with nearly 22,400 in attendance – that's a 25% increase in total attendance! The City of Tigard's support each year is vital to our continued success. When we

approach new foundations and are able to note that The Broadway Rose is a City of Tigard sponsored event, it sends a strong message about community support.

The Broadway Rose is gaining a national reputation for high artistic quality, helping us to attract ever-stronger performers. Last summer *Chicago* was the first show of our season and our best selling musical to date. Both Peggy Taphorn and Lea Kohl, two of the non-local leads in *Chicago*, boast impressive Broadway and off-Broadway credits. Peggy Taphorn was our New York director, choreographer and lead performer. Grant Butler of *The Oregonian* wrote, "**much of the show rests on hired-gun actress Peggy Taphorn, a Broadway regular, and Lea Kohl...both show plenty of stage savvy...giving this show added glitz.**" Vancouver's newspaper, *The Columbian*, reviewed the show with a headline reading, "**Chicago: Small company, big show.**" In addition, The Broadway Rose also has a strong relationship with Robert Guitron, one of the founders of Polaris Dance Company, and we were delighted to hire some key dancers from his company to perform in *Chicago*.

### **3. How will this event benefit the Tigard Community?**

As the only professional theater company in Washington County, we take great pride in our youth programming as well. The intent of The Broadway Rose Theatre is to provide high quality children's programming for over 3,000 youth (ages 2-16 years), offer scholarships to select children who can not otherwise afford our summer theater camps, and solidify our partnership with the YMCA by providing 1,000 diverse children the opportunity to attend our children's shows at a discounted ticket price of \$4.50. We are also continuing an outreach program in which we bring live theater to the elementary school children of the Tigard/Tualatin School District at no cost to the children and minimal cost to the District. We see this as a way to build future audiences and give back to the community. In addition, our student internship program continues to thrive and is becoming extremely competitive as more and more students seek out this opportunity to have a worthwhile summer job which trains them for careers in theater.

The Broadway Rose Theater has a positive economic impact on the community as well. In a recent survey, 39% of our audience polled indicated that they go out to dinner before attending a performance at the Broadway Rose Theatre. Our survey also showed that 57% of those polled spend at least \$20 on dinner, 37% spend at least \$40, and 6% spend at least \$80. As you can see, restaurants in the community benefit from the patronage of our audience. The Broadway Rose employs approximately 80-100 artists and designers each summer. We also offer paid internships to local high school students and teach these teens about teamwork, discipline and creativity.

### **4. How many Tigard residents do you anticipate participating in this event (or these events)?**

The Broadway Rose Theatre is one of the largest arts organizations in Washington County. Our projected attendance for 2006 is 24,000. Through our surveys and databases we have determined that Tigard residents make up our largest audience base (25%). We enjoy offering live entertainment to Tigard residents and providing an opportunity for people from the greater Portland area to come out to Tigard to enjoy cultural events. We also have season ticket holders from as far away as Longview, Washington, Salem and Boring, Oregon. We help put Tigard on the map.

Over the years The Broadway Rose has offered the City of Tigard significantly discounted tickets so that the City can thank its volunteers by purchasing tickets for a Broadway Rose production, and we hold a "thank you" reception at the theater before the show. This is another great way The Broadway Rose Theater can partner with the City of Tigard.





REC'D/IN JAN 30 2006

January 27, 2006

**Board of Directors**

Diana Burke  
*Bank of the West*

Larry Cartier  
*Wellpartner*

David Cutz  
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Stone*

Lisa Francolini, L.Ac.  
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Rorie Leone  
*Washington Trust  
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Jackson Lewis  
*Tonkon Torp, LLP*

Bill Monahan  
*Ramis, Crew  
Corrigan, LLP*

William L. Nothstine  
*Professional writer*

Harvey Platt  
*Platt Electric Supply*

Nicole Smith  
*Union Bank of  
California*

Dan Yates  
*Portland Spirit*

Tom Imdieke  
Interim Finance Director  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Dear Tom,

Many thanks to the City of Tigard for its continued support of The Broadway Rose over these last several years. The City of Tigard's support has been invaluable to our company, especially as we are growing at a rapid rate and continue to expand our programming.

Our 2005 season was a tremendous success. We have a fantastic lineup for our 2006 summer season and look forward to another successful year. The Broadway Rose is proud to partner with the City of Tigard to bring cultural opportunities to Washington County and beyond.

Enclosed is a 2006 Community Events Funding Request. If you have any questions regarding this application or the accompanying materials, please don't hesitate to call me at 503-603-9862.

Thank you for your consideration of this application.

Best Regards,

Sharon Maroney  
Sharon Maroney  
Artistic Director

12:08 PM  
01/27/06  
Cash Basis

**Broadway Rose Theatre Company**  
**Profit & Loss**  
**January through December 2005**

	<u>Jan - Dec 05</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Annual Boat Event Income	33,815.00
Camp Income	7,495.00
Concession Income	3,634.00
Corporatate Income	66,550.00
Entertainment/Royalty Income	558.84
Grants	99,300.00
Guild	625.00
Individual Donations	52,488.01
Program Advertising Income	4,477.00
Raffle Income	1,330.17
Rental Income	100.00
Shipping & Handling Income	692.00
Souvenir Sales	910.45
Ticket Sales	385,127.08
<b>Total Income</b>	<b>657,102.55</b>
<b>Expense</b>	
Administrative Expense	67,644.50
Artistic Programing	278,376.83
Automobile Expense	1,248.49
Bank Service Charges	12,752.18
Boat Expenses	5,254.82
Camp Counselors	2,300.00
Class Expense	131.89
Company Amenities	1,495.30
Concession Expense	2,134.25
Development	7,495.42
Insurance	24,392.90
Internet Expense	1,036.85
Janitorial	150.00
Marketing Expense	61,490.01
Office Supplies	5,515.42
Organizational Dues & Expenses	4,864.31
Payroll Taxes	47,256.92
Postage and Delivery	2,462.43
Professional Fees	1,042.50
Publication Subscriptions	177.00
Rental Expense	2,400.00
Souviner Expense	746.58
Staff Education	420.00
Telephone	5,560.19
Travel & Ent	856.19
Utilities	705.82
<b>Total Expense</b>	<b>537,910.80</b>
<b>Net Ordinary Income</b>	<b>119,191.75</b>
<b>Other Income/Expense</b>	
Other Income	
Interest Income	556.63
<b>Total Other Income</b>	<b>556.63</b>
<b>Net Other Income</b>	<b>556.63</b>
<b>Net Income</b>	<b>119,748.38</b>

12:23 PM

01/27/06

Accrual Basis

**Broadway Rose Theatre Company**  
**Balance Sheet Prev Year Comparison**  
**As of December 31, 2005**

	<u>Dec 31, 05</u>	<u>Dec 31, 04</u>
<b>ASSETS</b>		
<b>Current Assets</b>		
<b>Checking/Savings</b>		
Bank of the West Checking	71,595.53	49,237.64
Bank of the West Money Market	141,331.57	46,727.87
<b>Total Checking/Savings</b>	<u>212,927.10</u>	<u>95,965.51</u>
<b>Total Current Assets</b>	212,927.10	95,965.51
<b>Fixed Assets</b>		
Equipment	<u>14,503.83</u>	<u>12,397.04</u>
<b>Total Fixed Assets</b>	14,503.83	12,397.04
<b>Other Assets</b>		
Rental Deposits	<u>880.00</u>	<u>200.00</u>
<b>Total Other Assets</b>	<u>880.00</u>	<u>200.00</u>
<b>TOTAL ASSETS</b>	<u><b>228,310.93</b></u>	<u><b>108,562.55</b></u>
<b>LIABILITIES &amp; EQUITY</b>		
<b>Equity</b>		
Opening Bal Equity	117,600.69	117,600.69
Retained Earnings	-9,038.14	-46,104.03
Net Income	<u>119,748.38</u>	<u>37,065.89</u>
<b>Total Equity</b>	<u>228,310.93</u>	<u>108,562.55</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>228,310.93</b></u>	<u><b>108,562.55</b></u>

# **The Broadway Rose Theatre Company - Projected 2006 Budget**

## **Income**

Annual Boat Event	35,515.00
Camp Income	7,494.00
Concession	3,870.00
Corporate Income	55,934.00
Entertainment/Royalty Income	700.00
Grants	137,000.00
Guild Event	3,000.00
Individual Donations	67,457.00
Program Advertising Income	6,400.00
Raffle Income	1,000.00
Rental Income	150.00
Shipping & Handling Income	580.00
Souvenir Sales	800.00
Ticket Sales	390,000.00
<b>Total Income</b>	<b>709,900.00</b>

## **Expense**

Administrative Expense	89,627.00	In-Kind 30,000.00
Artistic Programing	274,407.51	
Automobile Expense	1,800.00	
Bank Service Charges	11,380.00	
Boat Expenses	5,328.48	
Camp Counselors	2,750.00	
Company Amenities	1,293.98	
Concession	2,167.11	
Development Expenses	40,000.00	15,000.00
Guild Events	500.00	
Insurance	29,375.00	
Interest Expense	200.00	
Internet Expense	1,022.15	
Janitorial	150.00	
Marketing Expense	74,183.72	9,000.00
Office Supplies	4,226.00	
Organizational Dues	4,802.00	
Payroll Taxes	63,976.92	
Postage and Delivery	2,760.00	
Product Development	51,000.00	
Professional Fees	4,920.00	
Prudent Reserve	42,100.00	
Publication Subscriptions	161.00	
Raffle Expense	6.68	
Rental Expense	2,400.00	25,000.00
Souvenir Expense	700.00	
Staff Education	1334.67	
Telephone	5,230.05	
Travel	1,005.45	
Utilities	1,092.28	
<b>Total Expense</b>	<b>719,900.00</b>	<b>79,000.00</b>

**Amount requested from City of Tigard 10,000.00**



**Board of Directors**

Diana Burke  
*Bank of the West*

Larry Cartier  
*Wellpartner*

David Cutz  
*Paragon Tile &  
Stone*

Lisa Francolini, L.Ac.  
*RiverWest  
Acupuncture Clinic*

Rorie Leone  
*Washington Trust  
Bank*

Jackson Lewis  
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*Ramis, Crew  
Corrigan, LLP*

William L. Nothstine  
*Professional writer*

Harvey Platt  
*Platt Electric Supply*

Nicole Smith  
*Union Bank of  
California*

Dan Yates  
*Portland Spirit*

January 31, 2006

Tom Imdieke  
Interim Finance Director  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Dear Tom,

Enclosed is proof of The Broadway Rose Theatre's 501(c)(3) status. We thought you already had this document on file and therefore did not include it in our recent grant submission. I apologize for the inconvenience.

Please let me know if there is anything else that you need from us.

Thank you.

Quimby Lombardozzi  
Development Manager

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
2 CUPANIA CIRCLE  
MONTEREY PARK, CA 91755-7431

DEPARTMENT OF THE TREASURY

Date: MAY 12 1997

BROADWAY ROSE THEATRE COMPANY  
C/O MATTHEW G. RYAN  
P.O. BOX 231004  
TIGARD, OR 97281-1004

Employer Identification Number:  
93-1069099  
Case Number:  
957051029  
Contact Person:  
EO CUSTOMER SERVICE  
Contact Telephone Number:  
(213) 894-2289  
Our Letter Dated:  
May 1992  
Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

You are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. For guidance in determining whether your gross receipts are "normally" more than \$25,000, see the instructions for Form 990. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (DO/CG)

**CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-691-4141**

**FY 2005-06  
COMMUNITY EVENTS FUNDING REQUEST  
Due: February 5, 2006**

**Event Name:** City of Tigard Dog Park Community Events

**Address:** 12605 S.W. 121<sup>st</sup>. Ave.

**City, State, Zip:** Tigard, OR 97223-2905

**Contact Name:** Jim Stevens

**Telephone Number:** 503-590-2896

**1. Request (expenses in whole dollar amounts only)**

Cash	\$ 400
In-kind services	\$ 0
Total Request	\$ 400

**2. Purpose of Funding Request:**

Off-leash dog parks are an important aspect in the scope of what our city offers its residents. The response to our programs in the 2005-2006 fiscal year continues to increase year after year. The funding we are requesting allows the off-leash dog parks to continue to provide the Tigard residents with safe areas where dogs and owners can play and socialize. The Committee's activities include events to raise awareness about the dog parks through education and special events.

Members and volunteers donate time and money toward painting and construction along with assisting the Parks Department with general maintenance of the parks. The committee also serves as a front line of communication to park users as well as addressing concerns that get escalated go to the Parks Department and in many instances resolving issues with park users through intervention and education.

We continue to serve as a model for other cities who are considering the addition of dog parks into their communities.

**Dog Days of Tigard:** This is a late July celebration of Tigard's off-leash dog parks held at Potso Dog Park. It is a way of letting park goers know of the partnership of Coe Manufacturing and the City of Tigard in providing the dedicated dog park area and the City of Tigard's support on having established dog parks. Events include such things as a demonstration of the Washington County Sheriff's Office K-9 Unit, information booths on animal health, behavior, obedience training, etc. Monies will be used for refreshments, flyers and prizes. \$100

**Summer Lake Birthday Party:** The 2005 event held at Summer Lake Park was used to dedicate a memorial bench to the late Mayor Griffith. We raised funds for more canopies to provide shade and weather protection for special events held at all the Tigard Dog Parks along with improved methods for dispensing needed water in the dog parks. Requested funds are for printing of flyers, posters, decorations, prizes and replacement of items such as watering bowls. \$100

**Tigard Blast:** Participation in the Tigard Blast parade raises awareness of the dog parks in Tigard, our commitment to the community and support of the city. Requested funds are for: printing of fliers and posters, balloons and bandanas, dog treats. \$35

**Halloween Dog Party:** This is our largest attended annual event with city leaders (the Mayor, Director of Parks, etc.) always returning as our esteemed judges. Requested funds are for: printing of fliers and posters, decorations, refreshments, prizes. \$125

**Office Supplies:** This money will pay for laminating communications to be posted at the parks, canine education flyers and printing. \$40

3. **How will this event benefit the Tigard Community?**

Off-leash dog parks provide dogs and their owners with designated space for exercise and socializing. They also promote responsible pet ownership. The parks allow dogs adequate space to run, jump, fetch, and play without creating conflicts with other park users. Funds raised at the events will go into improving and promoting use of the dog parks and education of owners. This past year money raised through donations at various events helped fund a park bench at Summer Lake Park.



**4. How many residents do you anticipate participating in this event (or these events)?**

Participation at actual events runs between 30-75 residents per event. Educational material reaches 150+ per series in distributed fliers alone. The material is also posted throughout the dog parks so the total number of residents who additionally read the fliers without taking a copy is significantly higher but difficult to measure.

Also, the City of Tigard's web site has links to the dog parks for people to give the committee feedback on events, register concerns and make suggestions. We don't have figures on how many contacts are made at the site, but the information received has been very valuable especially when diffusing conflicts between dog owners.

**Requested additional information:**

**A.**

**Fiscal Year 03-04 (as of January 25, 2005)**

Revenues (Contributions to the Dog Park Trust Account) \$1079.43  
Expenditures by Parks Department from Trust \$ (99.99)  
Expenditures by Tigard Dog Park Committee from Trust \$ (1233.53)  
Revenues (City Grant Funds) \$400.00  
Expenditures by Tigard Dog Park Committee from Grant \$(399.78)

Expenditures by in-kind donations from committee \$(251.00)

**Fiscal Year 04-05 (as of January 25, 2005)**

Revenues (Contributions to the Dog Park Trust Account) \$1139.37  
Expenditures by Parks Department from Trust \$ ( 0 )  
Expenditures by Tigard Dog Park Committee from Trust \$ (186.04)  
Expected Expenditures by Committee for balance of fiscal 2005 \$ (840)  
Revenues (City Grant Funds) \$450.00  
Expenditures by Tigard Dog Park Committee from Grant \$(342.71)  
Expected Expenditures by Committee for balance of fiscal 2005 \$ (118)

Expenditures by in-kind donations from committee \$(287.00)

**Fiscal Year 05-06 (as of January 7, 2006)**

Revenues (Contributions to the Dog Park Trust Account): \$(1296.55)  
Expenditures by Parks Department from Trust: \$ (0)  
Expenditures by Dog Park Committee from Trust: \$(475.26)  
Expected Expenditures by Committee for balance of fiscal 2006: \$(800.00)  
Revenues (City Grant Fund): \$450  
Expenditures by Tigard Dog Park Committee from Grant: \$ (449.78)  
  
Expenditures by in-kind donations from Committee: \$(250.00)

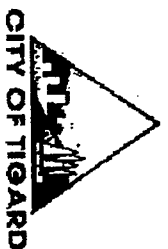
**Fiscal Year 06-07 Proposed Budget**

Revenues (Contributions to the Dog Park Trust Account) ~\$1000  
Expenditures \$ 1500

- a. **Audit report or financial statement for last fiscal year:** see attached  
From Roger Dawes, Senior Accountant, City of Tigard Finance  
Department
- b. **Articles of Incorporation:** None
- c. **501 (C) (3) status:** None

# General Ledger Detailed Trial Balance

User: amanda  
Printed: 01/07/2005 - 3:12  
Period 1 to 6, 2005



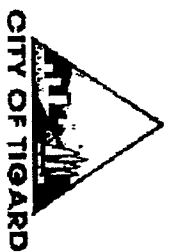
Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229081	Dog Parks Trust Account					
07/15/2004 CR 01	000213 Cash Receipts Batch 415.07.2004			0.00	310.36	
07/29/2004 CR 01	000395 Cash Receipts Batch 429.07.2004			0.00	160.00	
08/05/2004 AP 02	000049 Julie Wittmann			21.75	0.00	
	Dog Park Items					
08/06/2004 CR 02	000091 Cash Receipts Batch 406.08.2004			0.00	82.34	
08/25/2004 AP 02	000334 Julie Wittmann			21.75	0.00	
	Dog Park Expenses					
08/31/2004 AP 02	000427 Julie Wittmann			19.70	0.00	
	Dog Park Expense					
09/07/2004 CR 03	000079 Cash Receipts Batch 307.09.2004			0.00	9.40	
09/08/2004 CR 03	000102 Cash Receipts Batch 408.09.2004			0.00	81.49	
09/23/2004 CR 03	000331 Cash Receipts Batch 423.09.2004			0.00	100.00	
10/13/2004 CR 04	000160 Cash Receipts Batch 413.10.2004			0.00	85.69	
11/03/2004 CR 05	000045 Cash Receipts Batch 004.11.2004			0.00	10.00	
11/09/2004 CR 05	000128 Cash Receipts Batch 409.11.2004			0.00	257.00	
11/12/2004 CR 05	000164 Cash Receipts Batch 412.11.2004			0.00	43.09	
12/15/2004 AP 06	000190 Chris Garsteck			122.84	0.00	
	Dog Park Expenses					
	100-0000-229081 Totals:			(399.47)	186.04	(1,352.80)
	100-0000 LIABILITIES Totals:			(399.47)	1,139.37	(1,352.80)
	LIABILITIES Totals:			(399.47)	1,139.37	(1,352.80)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
	100 Totals:	0.00	(399.47)	186.04	1,139.37	(1,352.80)
	Report Totals:	0.00	(399.47)	186.04	1,139.37	(1,352.80)

# General Ledger

## Detailed Trial Balance

User: amanda  
 Printed: 01/21/2004 - 8:10  
 Period 1 to 7, 2004



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229079	Dog Park Social Service Grant					
07/10/2003 GL 01	000132 Dog Park money transfer			0.00	400.00	
07/11/2003 AP 01	000153 DON OSMANSKI			6.50	0.00	
	Dog Park Expense					
07/24/2003 AP 01	000350 DON OSMANSKI			50.00	0.00	
	Tigard Dog Park					
07/24/2003 AP 01	000350 JULIE WITTMANN			94.90	0.00	
	Tigard Dog Park					
10/09/2003 AP 04	000116 JULIE WITTMANN			16.00	0.00	
	Tigard Dog Parks					
11/06/2003 AP 05	000057 CHRIS GARSTECK			66.47	0.00	
	Tigard Dog Park					
11/06/2003 AP 05	000057 JULIE WITTMANN			12.61	0.00	
	Tigard Dog Park					
100-0000-229079 Totals:			0.00	246.48	400.00	(153.52)
100-0000 LIABILITIES Totals:			0.00	246.48	400.00	(153.52)
LIABILITIES Totals:			0.00	246.48	400.00	(153.52)
100 Totals:			0.00	246.48	400.00	(153.52)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
	Report Totals:		0.00	0.00	246.48	400.00
						(153.52)

# General Ledger

## Detailed Trial Balance

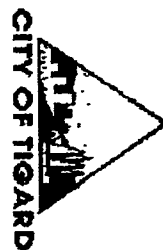
User: amanda  
 Printed: 01/07/2005 - 3:11  
 Period 7 to 12, 2004



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229079	Dog Park Social Service Grant					
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			22.24	0.00	
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			83.83	0.00	
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			16.29	0.00	
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			19.99	0.00	
05/06/2004 AP 11	000066 Julie Witmann			10.95	0.00	
	Tygaud Dog Park Expenses					
	100-0000-229079 Totals:		(153.52)	153.30	0.00	(0.22)
	100-0000 LIABILITIES Totals:		(153.52)	153.30	0.00	(0.22)
	LIABILITIES Totals:		(153.52)	153.30	0.00	(0.22)
	100 Totals:		0.00	153.30	0.00	(0.22)
	Report Totals:		0.00	(153.52)	153.30	(0.22)

# General Ledger Detailed Trial Balance

User: amanda  
Printed: 01/07/2005 - 3:11  
Period 1 to 6, 2005



6/04 To 6/05

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229079	Dog Park Social Service Grant		0.00		450.00	
07/02/2004 GL 01	000041 COT- Dog Parks/Arts & Events FY 04-05		19.90		0.00	
08/05/2004 AP 02	000049 Julie Wittmann					
	Dog Park Items					
08/25/2004 AP 02	000334 Chris Garsteck		114.01		0.00	
	Dog Park Expenses					
08/25/2004 AP 02	000334 Julie Wittmann		17.53		0.00	
	Dog Park Expenses					
08/31/2004 AP 02	000427 Don Osmani		11.98		0.00	
	Dog Park Expenses					
08/31/2004 AP 02	000427 Julie Wittmann		28.00		0.00	
	Dog Park Expense					
11/02/2004 AP 05	000021 Tim Boman		11.98		0.00	
	Dog Park Expense					
11/02/2004 AP 05	000021 Chris Garsteck		45.58		0.00	
	Dog Park Expenses					
12/15/2004 AP 06	000190 Gillian Austin		86.73		0.00	
	Dog Park Expenses					
12/15/2004 AP 06	000190 Hannah Webb		7.00		0.00	
	Dog Park Expense					
100-0000-229079 Totals:			342.71	(0.22)	450.00	(107.51)
100-0000 LIABILITIES Totals:			342.71	(0.22)	450.00	(107.51)
LIABILITIES Totals:				(0.22)		(107.51)
100 Totals:			0.00	(0.22)	342.71	(107.51)



Account Number      Description

Budget   Beginning Balance   Debit This Period   Credit This Period   Ending Balance

Report Totals:

	0.00	(0.22)	342.71	450.00
				(107.51)

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

02-02-06P01:42 11:15

**FY 2006-07**  
**COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name:

Tigard Festival of Balloons

Address:

19000 SW Cipole Rd.

City, State, Zip:

Tualatin, OR. 97062

Contact Name:

DAVE NICOLI / CINDY PADILLA

Telephone Number:

503.612.8204

E-mail address:

Cpadilla@dprnicoli.com

1. **Request** (express in whole dollar amounts only)

Cash

\$ 10,000

In-Kind Services (use of City property, City staff support,  
etc. Please explain the services requested on a separate sheet)

\$ 65,000

Total Request

\$ 75,000

2. **Purpose of Funding Request:** In order to produce the Festival and offset the expenses, we require Cash Sponsorships and In-kind donations.

3. **How will this event benefit the Tigard Community?** This event provides the city with a positive and safe event that helps non-profit organizations fundraise and promotes local commerce

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

About 20,000

5. **Please submit the following information with this request:**

- a. Detailed budget, including FY 2004-05 actual expenditures, FY 2005-06 Adopted Budget, and FY 2006-07 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. \*\*
- b. Audit report or financial statements for the last fiscal year.\*\*

- c. **Articles of Incorporation.\***
- d. **501(c)(3) status.\***
- e. **Organization Bylaws\***

\* Information not required if it has been submitted at least once in the last five years.

\*\* Lack of adequate financial information could result in denial of request.

***An electronic version of this application is available by contacting Maureen Denny at [maureen@tigard-or.gov](mailto:maureen@tigard-or.gov).***

## 2006 Tigard Festival Of Balloons Budget

### INCOME:

<i>Sponsorships:</i>	\$	80,000.00
<i>In-Kind:</i>	\$	230,000.00
<i>Other Revenue:</i>	\$	130,000.00
<b>TOTAL INCOME</b>	<b>\$</b>	<b>440,000.00</b>

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**Cost of Goods Sold** **(\$83,600.00)**

**Gross Profit** **\$ 356,400.00**

### EXPENSES:

#### *Variable:*

<i>Actual</i>	\$	66,400.00
<i>In-Kind</i>	\$	136,772.00

#### *Fixed:*

Distributions to Non-Profits	\$	20,000.00
Insurance	\$	18,484.00
Rent-Storage	\$	1,000.00
Web Site/Internet service	\$	2,000.00
Telephone	\$	500.00
In-Kind	\$	75,000.00

**Total Expenses** **\$ 320,156.00**

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**NET INCOME** **\$ 36,244.00**

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## 2005 Tigard Festival Of Balloons Budget

### INCOME:

<i>Sponsorships:</i>	\$	80,000.00
<i>In-Kind:</i>	\$	295,000.00
<i>Other Revenue:</i>	\$	130,000.00
<b>TOTAL INCOME</b>	<b>\$</b>	<b>415,170.00</b>

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<b>Cost of Goods Sold</b>		<b>\$71,512.00</b>
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<b>Gross Profit</b>	<b>\$</b>	<b>343,657.00</b>
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### EXPENSES:

#### *Variable:*

<i>Actual</i>	\$	66,400.00
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<i>In-Kind</i>	\$	160,000.00
----------------	----	------------

#### *Fixed:*

Distributions to Non-Profits	\$	20,000.00
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Insurance	\$	18,484.00
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Rent-Storage	\$	1,000.00
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Web Site/Internet service	\$	5,000.00
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Telephone	\$	500.00
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In-Kind	\$	75,000.00
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<b>Total Expenses</b>	<b>\$</b>	<b>320,156.00</b>
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<b>NET INCOME</b>	<b>\$</b>	<b>23,501.00</b>
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11:47 AM  
01/31/06  
Accrual Basis

**Tigard Festival of Balloons**  
**Profit & Loss**  
January through December 2005

	<u>Jan - Dec 05</u>
<b>Ordinary Income/Expense</b>	
Income	
In Kind	157,295.00
Gate	43,840.00
Parking	14,103.80
Carnival	18,455.00
Sponsorship	44,600.00
Balloons	9,000.00
Food Vendor	9,250.00
Festival T-Shirt	390.00
Field Merchants	27,785.40
Beer Garden	2,500.00
5K	1,195.24
Soccer Tournament	4,423.00
Car Show	1,295.21
Harley Rally	605.00
Shuttle	2,127.90
Ice	610.00
Bank Charges	19.97
<b>Total Income</b>	<b>337,495.52</b>
<b>Cost of Goods Sold</b>	
Gate-	11,851.00
Parking Commissions	9,315.86
Sponsorship-	500.00
Balloons-	24,544.42
Food Vendor-	3,649.00
Festival T-Shirt	2.25
Field Merchants-	7,310.00
Beer Garden-	1,706.00
5K-	3,975.19
Soccer-	3,415.15
Baseball Tournament-	550.00
Car Show-	2,467.89
Harley Rally-	145.00
Shuttle-	1,463.32
Beverages-	-163.40
Ice-	357.50
<b>Total COGS</b>	<b>71,089.18</b>
<b>Gross Profit</b>	<b>266,406.34</b>
Expense	
Videographer	4,646.00
Entertainment	38,592.00
Advertising	82,634.28
VIP Tent	14,835.00
Rentals	75,526.17
PA System	1,050.00
Marketing	942.08
Staff Shirts	1,947.50
Safety Vests	251.10
Signs	6,781.00
Security	6,976.15
First Aid Staff	500.00
Clean Up	2,829.95
Website	2,039.85
Field Set Up	405.86
Diesel	143.20
Office Supplies	206.76
Insurance	9,550.00
Utilities	3,176.14

11:47 AM  
01/31/06  
Accrual Basis

**Tigard Festival of Balloons**  
**Profit & Loss**  
January through December 2005

	<u>Jan - Dec 05</u>
Labor	5,601.00
Taxes and Accounting	179.34
Mileage	319.33
Bank Charges-	6.00
Cash (Over)/ Short	-170.49
Depreciation Expense	1,159.03
Total Expense	<u>260,127.25</u>
Net Ordinary Income	6,279.09
Other Income/Expense	
Other Expense	
Disposal of Equipment	2,060.00
Total Other Expense	<u>2,060.00</u>
Net Other Income	<u>-2,060.00</u>
Net Income	<u><u>4,219.09</u></u>

10:12 AM

01/16/06

Accrual Basis

**Tigard Festival of Balloons**  
**Balance Sheet**  
As of January 16, 2006

	<u>Jan 16, 06</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Wells Fargo - Checking	2,664.64
Total Checking/Savings	2,664.64
Accounts Receivable	
Accounts Receivable	1,000.00
Total Accounts Receivable	1,000.00
Other Current Assets	
Inventory	897.75
Total Other Current Assets	897.75
Total Current Assets	4,562.39
<b>Fixed Assets</b>	
Equipment	4,947.65
Accumulated Depreciation	-1,159.03
Total Fixed Assets	3,788.62
<b>TOTAL ASSETS</b>	<u><u>8,351.01</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Other Current Liabilities	
Due to/from DPN	1,653.17
Loan from DP Nicoli	1,270.50
Total Other Current Liabilities	2,923.67
Total Current Liabilities	2,923.67
Total Liabilities	2,923.67
<b>Equity</b>	
Retained Earnings	5,252.34
Net Income	175.00
Total Equity	5,427.34
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>8,351.01</u></u>





Phone: (503) 988-2200  
Fax: (503) 478-4381

Secretary of State  
Corporation Division  
285 Capitol St. NE, Suite 151  
Salem, OR 97310-1327

Articles of Incorporation—Nonprofit

For office use only

FILED

NOV 16 2000

OREGON  
SECRETARY OF STATE

Registry Number:

782861-85

Attach Additional Sheet if Necessary  
Please Type or Print Legibly in Black Ink

1) NAME

TIGARD FESTIVAL OF BALLOONS INC

2) REGISTERED AGENT

STAN BAUMHOFFER

7) WILL THE CORPORATION HAVE MEMBERS?

☐ Yes

☒ No

3) ADDRESS OF REGISTERED AGENT (Must be an Oregon Street Address which is identical to the registered agent's business office. Must include city, state, zip; no PO boxes.)

11575 S.W. PACIFIC HWY #131  
TIGARD OR 97223

8) DISTRIBUTION OF ASSETS UPON DISSOLUTION

TO TIGARD HS SCHOOL BOOSTERS,  
TIGARD CHAMBER OF COMMERCE  
CITY OF TIGARD  
TIGARD ROTARY CLUB

4) ADDRESS FOR MAILING NOTICES

Same #3

☒ CHECK HERE TO INDICATE ON YOUR REGISTRATION THAT YOU DO NOT WANT MAIL SOLICITATION. PLEASE NOTE, THERE IS NO OBLIGATION ON THE PART OF PERSONS USING OUR LISTS TO REFRAIN FROM MAILING SOLICITATIONS. THE PAPER IS SIMPLY INFORMATIONAL. ORS 56.022

5) OPTIONAL PROVISIONS (Attach a separate sheet.)

6) TYPE OF CORPORATION

☒ Public Benefit

☐ Mutual Benefit

☐ Religious

9) INCORPORATORS (List names and addresses of each incorporator. Attach a separate sheet if necessary.)

BRUCE ELLIS 14396 S.W. TWESKBURY ST TIGARD OR 97224

STAN BAUMHOFFER 11575 S.W. PACIFIC HWY #111 TIGARD OR 97223

10) EXECUTION (All incorporators must sign. Attach a separate sheet if necessary.)

Print Name

BRUCE ELLIS

Signature

*Bruce Ellis*

STAN BAUMHOFFER

*Stan Baumhoffer*

11) CONTACT NAME

STAN BAUMHOFFER

DAYTIME PHONE NUMBER - INCLUDING AREA CODE

503-709-7669

FEES

Make check for \$20 payable to "Corporation Division."

NOTE: Filing fee may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.

CR112 (Rev. 12/99)

11160002503-20.00  
JK11-16



Secretary of State  
Corporation Division  
255 Capitol Street NE, Suite 151  
Salem, OR 97310-1327

Phone: (503) 986-2200  
Fax: (503) 378-4381  
[www.sos.state.or.us/corporation/corphp.htm](http://www.sos.state.or.us/corporation/corphp.htm)

Registry Number: 782861-85  
Date of Incorporation: 11/16/2000  
Type: DOMESTIC NONPROFIT  
CORPORATION

MARRY  
FAX: (503) 692-1799

FILED 02/04/2004

FEB 27 2004

OREGON  
SECRETARY OF STATE

RE: TIGARD FESTIVAL OF BALLOONS INC  
REINSTATEMENT AMENDED

Please complete and return this letter and any enclosed documents for filing the requested  
reinstatement/reactivation.

Submit \$150.00 for the required fees.

The above entity hereby requests to be active on the records of the Corporation Division. The effective date of  
administrative dissolution is 1-17-03.

The reason(s) for administrative dissolution has been eliminated or did not exist.

By *David M. Smith*  
(Authorized Signature)

Date: 2-21-04

Any fees submitted with this document are nonrefundable and will be held for 45 days. If the document is returned for  
filing within 45 days no additional fees will be due unless otherwise stated in this letter.

Business Registry  
Corporation Division  
(503) 986-2200

02/24/04 - 57 - 20 - 150.00

RONBRO  
NONFILEABLE  
02/04/2004

0305 419 0626 0000

227-04  
55

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 16 2001

TIGARD FESTIVAL OF BALLOONS INC  
11575 SW PACIFIC HWY #131  
TIGARD, OR 97223

Employer Identification Number:  
91-1811147  
DLN:  
17053327062000  
Contact Person:  
LISA M VAN DER SLUYS ID# 95264  
Contact Telephone Number:  
(877) 829-5500  
Internal Revenue Code  
Section 501(c)(4)  
Accounting Period Ending:  
December 31  
Form 990 Required:  
Yes  
Addendum Applies:  
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in the section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar year, you had one or more employees at any time in each of 20 calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, employment, or other Federal taxes, please address them to this office.

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth

Letter 948 (DO/CG)

TIGARD FESTIVAL OF BALLOONS INC

month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Donors may not deduct contributions to you because you are not an organization described in section 170(c) of the Code. Under section 6113, any fundraising solicitation you make must include an express statement (in a conspicuous and easily recognizable format) that contributions or gifts to you are not deductible as charitable contributions for Federal income tax purposes. This provision does not apply, however, if your annual gross receipts are normally \$100,000 or less, or if your solicitations are made to no more than ten persons during a calendar year. The law provides penalties for failure to comply with this requirement, unless failure is due to reasonable cause.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt

Letter 948 (DO/CG)

TIGARD FESTIVAL OF BALLOONS INC

status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in cursive script that reads "Steven T. Miller".

Steven T. Miller  
Director, Exempt Organizations

*Director Act 1 Innovation in event*

AMENDED

*Approval Review*

**CORPORATE BYLAWS**

**TIGARD FESTIVAL OF BALLOONS, INC.**

**DRAFT**

**ARTICLE I**

**NAME**

The name of the non-profit corporation is Tigard Festival of Balloons, Inc. The corporation's registered agent is David Nicoli, and the agent is located at 19600 SW Cipole Rd., Tualatin, OR 97062.

**ARTICLE II**

**PURPOSE**

The purpose of the corporation is to conduct an annual family oriented festival structured to allow other community and local non-profit groups to raise funds for their specific needs and purposes.

**ARTICLE III**

**MEMBERS**

The corporation shall have no members. The affairs of the corporation shall be managed by a Board of Directors.

**ARTICLE IV**

**BOARD OF DIRECTORS**

**4.1 General Powers.** The affairs of the corporation shall be managed by its Board of Directors

**4.2 Number, Tenure and Qualifications.** The number of directors shall be five (5). A director's term of office shall be three years, except that initial terms may be staggered so that not more than one-half plus one of the total authorized are elected at any one time. Each director shall hold office until his term expires or until removed. However, if a director's term expires, the director shall continue until the successor shall have been elected and qualified. Directors do not need to be residents of Oregon. At all times, a majority of the board must be uncompensated and unrelated.

**4.3 Regular meetings of the Board of Directors.** The Board of Directors may provide, by resolution, the time and place either within or without the state of Oregon, for the holding of regular meetings, which shall be held without other notice than such resolution. If permitted by Section 4.6, any such regular meeting may be held by telephone.

**4.4 Special Meetings of the Board of Directors.** Special meetings of the Board of Directors may be called by or at the request of the president or any two directors. Notice of any special meetings shall be given at least ten days before the meeting either orally or in writing. If mailed, the notice is deemed to be effective at the earlier of:

- when received;
- five days after deposited in the United States Mail with the director's business address with postage thereon prepaid; or
- the date shown on the return receipt if sent by registered or certified mail return receipt requested and the receipt is signed by or on behalf of the director.

Any director may at any time waive notice of any meeting. Such notice is to be in writing. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting. Special meetings may be held by telephone if allowed in Section 4.6.

**4.5 Quorum.** If Section 4.2 established a fixed board size, a majority of the number of directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. The uncompensated and unrelated rules in Section 4.2 do not apply to this Section 4.5.

**4.6 Manner of Acting.** The act of the majority of the directors present at the meeting at which a quorum is present when the vote is taken shall be the act of the Board of Directors unless the articles of incorporation or these ByLaws require a greater percentage. Any or all directors may participate in a regular or special meeting by, or conduct the meeting through the use of many means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

**4.7 Action Without a Meeting.** Any action required or permitted to be taken by the Board of Directors at a meeting may be taken without a meeting if all the directors take the action, each one signs a written consent describing the action taken, and the consents are filed with the records of the corporation. Action taken by consent is effective when the last director signs the consent, unless the consent specifies a different effective date. A signed consent has the effect of a meeting vote and may be so described in any document.

**4.8 Removal of Directors.** The directors may remove one or more directors at a meeting called for that purpose if notice has been given that a purpose of the meeting is such removal. The removal may be with or without cause. A majority vote of the Board of Directors is required.

**4.9 Compensation of Board Members; Relationship of Members.** The majority of the Board of Directors will be non-salaried and will not be related to salaried personnel or to parties giving services. In addition, salaried Board Members cannot vote on their own compensation and the compensation decisions will be made by the board.

## **Article V**

### **OFFICERS**

**5.1 Number of Officers.** The officers of the corporation shall be a president, vice-president, a secretary and a treasurer, each of whom shall be appointed by the Board of Directors. The same individual may simultaneously hold more than one office in the corporation.

**5.2 Appointment and Term of Office.** The officers of the corporation shall be appointed by the Board of Directors for a term as determined by the Board of Directors. The designation to a specified term grants no contract rights to the officer, and the board can remove officer at any time prior to the termination of such term. If no term is specified, the officer shall hold office until they resign or are removed in the manner provided in Section 5.3.

**5.3 Removal of Officers.** Any officer or agent may be removed by the Board of Directors at any time, with or without cause.

**5.4. President.** The president shall be the principal executive officer of the corporation and, subject to the control of the board shall in general supervise and control all of the business and affairs of the corporation. The president shall when present, preside at all meetings of the Board of Directors. The president may sign, with the secretary or other officer authorized by the Board of Directors, deeds, mortgages, bonds, contracts, or other instruments the board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by the ByLaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of president and such other duties as may be prescribed by the Board of Directors from time to time.

**5.5 Vice President.** If appointed, the vice-president shall perform the duties of the president when the president is unable.

**5.6 Secretary.** The secretary shall:

- a. Keep the minutes of the proceedings of the Board of Directors in one or more books provided for that purpose;



- b. See that all notices are duly given in accordance with the provisions of these ByLaws or as required by law;
- c. Be custodian of the corporate records and of any seal of the corporation and if there is a seal, see that it is affixed to all documents the execution of which on behalf of the corporation under its seal is duly authorized;
- d. When requested or required, authenticate any records of the corporation; and
- e. In general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him or her by the president or by the Board of Directors.

**5.7 Treasurer.** The treasurer shall:

- a. Have charge and custody of and be responsible for all funds and securities of the corporation;
- b. Receive and give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such money in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors; and
- c. In general perform all of the duties incident to the office of treasurer and such other duties as may be assigned to the treasurer by the president or by the Board of Directors.

**5.8 Hiring Employees.** The board shall have the authority to hire full or part time employees.

**ARTICLE VI**

**COMMITTEES**

The Board of Directors shall create committees to assist in the operations of the corporation as deemed necessary.

**ARTICLE VII**

**GIFTS**

The board of Directors may accept on behalf of the corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the corporation.

## **ARTICLE VIII**

### **BOOKS AND RECORDS**

The corporation shall keep correct and complete books and records of the account and shall also keep minutes of the proceedings of its Board of Directors. The fiscal year of the corporation shall be the calendar year.

## **ARTICLE IX**

### **NON-LIABILITY OF DIRECTORS AND OFFICERS IN CERTAIN CASES**

No director nor officer nor member of the executive committee or any other committee shall be liable for his acts as such if he is excused from liability under any present or future provision or provisions of the Oregon Non-Profit Corporation Act or the Oregon Business Corporation Act; and, in addition, to the fullest extent now or hereafter permitted by the Oregon Non-Profit Corporation Act or the Oregon Business Corporation Act, each officer or director or member of any committee shall, in the discharge of any duty imposed or power conferred upon him by the association, be fully protected if, in the exercise of ordinary care, he acted in good faith and in reliance upon the written opinion of an attorney for the association, the books account or reports made to the association by any of its officials or by an independent certified public accountant or by an appraiser selected with reasonable care by the Board of Directors or by such committee, or in reliance upon other records of the association.

## **ARTICLE X**

### **INDEMNIFICATION OF DIRECTORS AND OFFICERS**

Each director and each officer or former director or officer of the association and each person who serves at its request as a director or officer of another association in which it owns shares of capital stock or of which it is a creditor, shall be and hereby is indemnified by the association against liabilities imposed upon him and expenses actually and reasonably incurred by him in connection with any claim against him, or the defense of any action, suit or proceeding to or in which he is or may be made a party by reason of his being or having been such director or officer, and against such sums as independent counsel selected by the Board of Directors shall deem reasonable payment made in settlement of any such claim, action, suit or proceeding primarily with a view of avoiding expenses of litigation; provided, however, that no director nor officer shall be indemnified with respect to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty, or with respect to any matters which shall be settled by the payment of sums which counsel selected by the Board of Directors shall not deem reasonable payment made primarily with a view of avoiding expenses of litigation, or with respect to matters for which indemnification would be against public policy. Such right of indemnification shall be in addition to, but shall not exclude, any other rights to which directors or officers may be entitled.

## ARTICLE XI

### INSURANCE

The Board of Directors shall have in its discretion the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the association, or is or was serving at the request of the association as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the association would have the power to indemnify him against such liability under the provisions of the Oregon Non-Profit Corporation Act or the Oregon Business Corporation Act, and the Articles of Incorporation or these ByLaws.

## ARTICLE XII

### AMENDMENTS TO BYLAWS

These ByLaws may be altered, amended or repealed and new ByLaws may be adopted by the affirmative vote of a majority vote of the Board of Directors, provided that at least thirty days written notice is given of the intention to alter, amend or repeal or to adopt new ByLaws at such meeting.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_

\_\_\_\_\_

02-02-2006 03:00 PM

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

**FY 2006-07  
COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name: Tigard Leadership Institute  
Address: 12345 SW Main St  
City, State, Zip: Tigard, OR 97223  
Contact Name: Jeremy Monlux  
Telephone Number: (503) 631-1656  
E-mail address: Jeremy@tigardchamber.org

1. Request (express in whole dollar amounts only)

Cash	\$ 5000.00
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	\$
Total Request	\$ 5,000.00

2. Purpose of Funding Request:

Please see attached

3. How will this event benefit the Tigard Community?

Please see attached

4. How many Tigard residents do you anticipate participating in this event (or these events)?

Please see attached.

5. Please submit the following information with this request:

- Detailed budget, including FY 2004-05 actual expenditures, FY 2005-06 Adopted Budget, and FY 2006-07 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. \*\*
- Audit report or financial statements for the last fiscal year.\*\*



*Where business soars*

February 1, 2006

City of Tigard  
13125 SW Hall Blvd  
Tigard, OR 97223

Dear City of Tigard,

Thank you for the opportunity to apply for community events funding for the 2006-07 operating year.

In an effort to enhance the leadership that exists within our community, the Tigard Area Chamber of Commerce would like to partner with the City of Tigard to begin "Tigard Leadership Institute", a nine month intensive leadership program targeted to citizens, business owners, employees, or anyone looking to make a difference in the future of Tigard.

In the following pages, we have outlined the purpose of this funding request, how it will be a benefit to our community, as well as the number of Tigard residents we anticipate to participate in our inaugural year. In addition, you will find copies of the requested financial documents. At this time, our budget committee is still preparing the 2006-07 operating budget and we would be happy to provide a copy of this budget as soon as it becomes available.

We believe that a well run leadership program will continue to foster future leadership for the community of Tigard and continue to build bench strength for years to come.

Again, thank you for the opportunity. We look forward to partnering together soon.

Sincerely,

Jeremy Monlux  
Executive Director

On behalf of the Tigard Area Chamber of Commerce



*Where business soars*

**Purpose of funding request:**

The purpose of this funding request is to begin working on a community based leadership program Entitled **"Tigard Leadership Institute."**

Through this funding, we will be able to offer an intensive nine month leadership program to the community of Tigard. Through the program, participants will gain a better understanding of our community, how we operate, what services we offer, and more importantly how to become a more involved and engaged leader in Tigard, Oregon.

Funding this program would act as an incredible partnership between the City of Tigard and the chamber and offer an unprecedented leadership opportunity to the community of Tigard. In addition, this funding would allow the program to offer scholarships to those who otherwise would not be able to attend the Tigard Leadership Institute .



*Where business soars*

### **How will this event benefit the Tigard Community?**

Tigard Leadership Institute will be a program aimed at enhancing the leadership that exists in our community. It is specifically designed to develop a continued source of informed, civic-oriented leaders who are interested in helping shape and direct the future of Tigard

Through a dynamic nine-month series that is structured and participatory, the opportunity for personal growth and immersion in civic issues is provided. Community resources are explored, issues and concerns are identified, interactive presentations from business and community leaders are discussed and processed, and new skills are learned and applied.

### **THE BENEFITS**

The experiences in this unique program will have an immediate and positive effect on the participants, their organizations, and the Tigard community. Each participant will go away with more information and new skills to empower them as community leaders. Through commitment to this nine-month program and commitment to planning and chairing the program for the subsequent year, members will have an unprecedented opportunity to become more aware of the dynamics of social and economic change and the impact that this has on the community. Participants will also enhance their communication and problem solving skills. Participants will enjoy the immediate benefit of engaging in a networking system for personal and professional advancement.

### **The objectives are:**

TO FORM a core of motivated and skilled leaders prepared to take charge of community projects.

TO PROMOTE cooperation amongst a group of individuals who will guide the future of Tigard.

TO CULTIVATE leadership skills and abilities that will mutually benefit the individual participant and the community.

TO PROVIDE for interaction and transition between today's leaders and the leaders of the future.

### **The advantages are:**

TO THE PARTICIPANTS: Professional and personal growth, recognition and exposure and sharpening of communication and problem solving skills.

TO THE ORGANIZATION: Enhanced community relations, new marketing opportunities, support of employees civic responsibilities and employee development.

TO THE COMMUNITY: Involved citizens, skilled and responsive leaders, informed problem solvers.

### **THE COMMITMENT**

To attend every Leadership class. To get to know the members of your class. To dedicate the skills you have gained from your year in Tigard Leadership Institute to guide the next class in meeting the challenges of leadership. Use your leadership skills in service to the community.



*Where business soars*

**How Many Tigard Residents do you anticipate participating in this event (Or these events)?**

**We anticipate each year's class to be made up of no more than 40 individuals.**





*Where business soars*

Outlined below is an example of a nine month program curriculum

#### **THE SCHEDULE**

All-day sessions are scheduled for the second or third Friday each month from September through May, with the exception of the first session, which is two days and one night. All-day participation at each session is imperative. Provocative, informative and experienced speakers from the private and public sectors give generously of their time and knowledge as resource people for the programs. In addition, you will be able to experience first hand the inner workings of our community through field trips and interactive sessions.

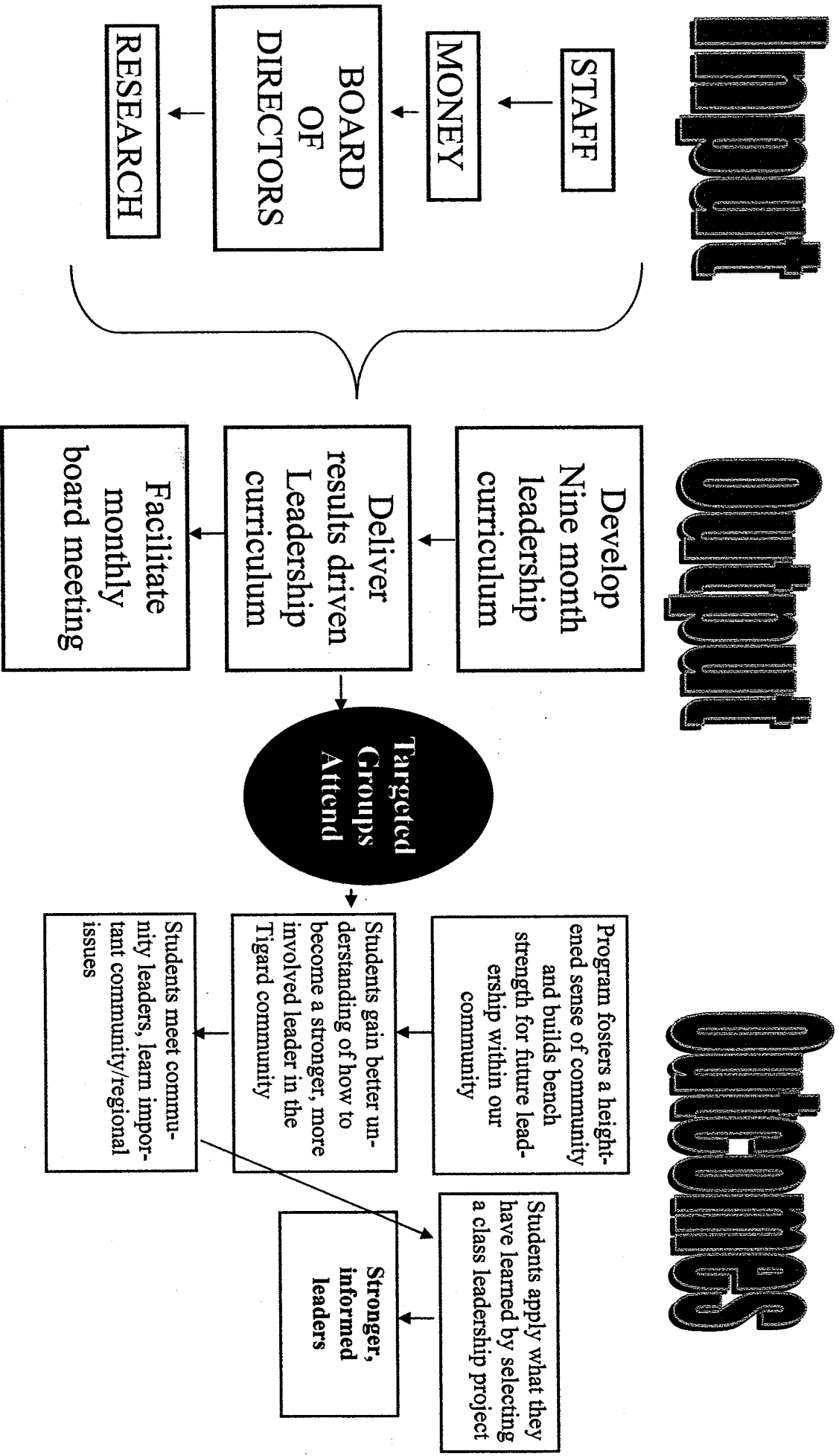
September - "Building A Team" Overnight at select location  
October - "Personal Aspects of Leadership"  
November - "Interpersonal Relationships"  
December - "Communications and Media"  
January - "Government"  
February - "Law Enforcement"  
March - "Leading our Youth"  
April - "Community Services"  
May - "Tigard - Its History and Splendor"  
June - "Class project"

The Second Year - Previous class plans and leads the new class.



# Tigard Area Chamber of Commerce Logic Model Tigard Leadership Institute— 2006

**Situation:** To revitalize a program that will empower, foster and support Tigard's current and future leaders through a nine month curriculum entitled "Tigard Leadership Institute"



Internal Revenue Service  
EP/EO Disclosure Desk  
P.O. Box 2350 Los Angeles, CA 90033

TIGARD AREA CHAMBER  
OF COMMERCE  
12420 SW MAIN ST  
TIGAD, OR 97223

Person to Contact:  
F. Miraflor or L. Barragan  
Telephone Number:  
(213)894-4232  
Refer Reply to:  
90-368  
Date: MAY 15 1990

RE: 93-0581430  
TIGARD AREA CHAMBER  
OF COMMERCE

Gentlemen:

This is in response to your request for a determination letter of the above-named organization.

A review of our records indicates that the above-named organization was recognized to be exempt from Federal income tax in January 1949, as an organization described in Internal Revenue Code section 501(c)(06).

This letter is to verify your exempt status and the fact that the determination letter issued on January 1949 continues to be in effect.

If you are in need of further assistance, please feel free to contact me at the above address.

We appreciate your cooperation in this regard.

Sincerely,

*Helicia C. Miraflor*

Disclosure Assistant

2:46 PM  
01/31/06  
Cash Basis

Tigard Area Chamber of Commerce  
**Profit & Loss**  
July 2004 through June 2005

	Jul '04 - Jun 05
Ordinary Income/Expense	
Income	
Balloon Festival	
Souvenir Booth	
Souvenir Booth Sales	25.00
Total Souvenir Booth	25.00
Total Balloon Festival	25.00
Bowlerama	
Sponsorships	683.00
Team Entry Fees	2,070.00
Total Bowlerama	2,753.00
Building Occupancy	
Community Room Rental	7,365.00
Copies	375.00
Rent Income	18,900.00
Total Building Occupancy	26,640.00
Directory	
Directory Income	500.00
Total Directory	500.00
Forum Lunches	
Forum Lunch Expense	(4,602.58)
Forum Lunch Income	5,691.00
Forum Lunch Sponsorships	955.00
Total Forum Lunches	2,043.42
Fund Raiser	245.00
Golf Tournament	
Ad Book	1,210.00
Entry Fees	9,760.00
Food & Beverage Exp	(1,305.99)
Games	1,435.00
Golf Course Charges	(10,315.20)
Sponsorships	11,244.00
Trophies & Other Expense	(481.45)
Total Golf Tournament	11,546.36
Hotline	
Inserts	393.00
Postage	(2,310.00)
Total Hotline	(1,917.00)
Interest Income	0.28
Labels	245.00
Membership Dues	
Initiation Fee	825.00
New	8,724.00
Renewal	20,198.23
Total Membership Dues	29,747.23
Miscellaneous	(58.00)

2:46 PM  
01/31/06  
Cash Basis

Tigard Area Chamber of Commerce  
**Profit & Loss**  
July 2004 through June 2005

	Jul '04 - Jun 05
Raffles & After Hours	690.00
Relocation Packet Income	125.00
Scholarships (VOLUNTARY)	(932.26)
Shining Stars	
Dinner Expense	(5,228.10)
Other Expenses	(213.50)
Program Book	1,015.00
Silent Auction	2,952.00
Sponsorships	5,200.00
Ticket Sales	3,475.00
Shining Stars - Other	1,000.00
Total Shining Stars	8,200.40
TFC SEMINAR	573.00
Tigard Blast	475.00
WCVA	3,000.00
Web Site	(45.00)
Web Site Advertising	(1,867.00)
Total Income	81,989.43
Expense	
Bank Charges	
Service Charges	61.26
Visa Discount	1,175.57
Bank Charges - Other	251.32
Total Bank Charges	1,488.15
Building Expenses	
Electricity	2,440.92
Garbage	486.65
Insurance - Building Liability	4,698.11
Janitorial	556.00
Maintenance	1,316.08
Mortgage Interest	11,519.55
Natural Gas	944.51
Property Taxes	5,558.99
Security	288.40
Water & Sewer	602.40
Total Building Expenses	28,411.61
Insurance - Board Liability	1,353.00
Leased Personnel	
Assistant to Executive Director	23,100.15
Benefits	10,428.81
Commission	1,582.34
Executive Director	42,053.76
Fees	12,160.49
Project Specialist	16,429.92
Total Leased Personnel	105,755.47
Miscellaneous Expense	767.05

2:46 PM  
01/31/06  
Cash Basis

Tigard Area Chamber of Commerce  
**Profit & Loss**  
July 2004 through June 2005

	Jul '04 - Jun 05
Office Expenses	
Copier	
Lease	852.15
Total Copier	852.15
Dues	597.00
Equipment	1,664.95
Postage	267.05
Printing	954.99
Signage	114.50
Staff Expense	
Auto Allowance	1,197.49
Conferences	369.39
Directors Expense	2,192.48
Software & Training	694.65
Total Staff Expense	4,454.01
Subscriptions	33.00
Supplies	2,567.02
Telephone	1,866.00
Office Expenses - Other	(38.17)
Total Office Expenses	13,332.50
Scholarships Paid	1,000.00
Taxes & licenses	44.42
Total Expense	152,152.20
Net Ordinary Income	(70,162.77)
Net Income	(70,162.77)

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

**FY 2006-07  
COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name: Tigard 4<sup>th</sup> of July Celebration  
Address: Tigard 4<sup>th</sup> of July, Inc., 12420 S.W. Main Street  
City, State, Zip: Tigard, Oregon 97223  
Contact Name: Mike Marr  
Telephone Number: 503-624-2975  
E-mail address: mikemarr@verizon.net

1. **Request** (express in whole dollar amounts only)

**Cash** \$10,000.00

**In-Kind Services** (use of City property, City staff support, etc. Please explain the services requested on a separate sheet) ~ \$ 1,600.00

**Total Request** ~ \$11,600.00

2. **Purpose of Funding Request:**

See letter attached

3. **How will this event benefit the Tigard Community?**

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

5. **Please submit the following information with this request:**

- a. **Detailed budget, including FY 2004-05 actual expenditures, FY 2005-06 Adopted Budget, and FY 2006-07 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. \*\***
- b. **Audit report or financial statements for the last fiscal year.\*\***

**TIGARD 4TH OF JULY, INC.****Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2005**

		<b>Current 12 Mo. Period</b>	<b>Year To Date</b>
<b>1000 ASSETS</b>			
1450	Cash - Non Interest Bearing		
1451	Petty Cash	(45.68)	0.00
1452	General Checking Account	(314.52)	(2.00)
1460	Savings & Temp. Investments		
1461	Savings	0.00	0.00
1470	Accounts Receivable		
1471	Accounts Receivable	0.00	0.00
1476	(Uncollectable Allowance)	0.00	0.00
1480	Pledges Receivable		
1481	Pledges Receivable	0.00	0.00
1486	(Uncollectable Allowance)	0.00	0.00
1490	Grants Receivable		
1491	Grants Receivable	0.00	0.00
1500	Receivables from Related Parties		
1501	Receivables from Directors	0.00	0.00
1510	Other Receivables		
1511	Notes Receivable	0.00	0.00
1516	(Uncollectable Allowance)	0.00	0.00
1520	Inventories For Sale or Use		
1521	Inventories For Sale or Use	0.00	0.00
1530	Prepaid Expenses / Deferred Charges		
1531	Prepaid Expenses	0.00	0.00
1540	Investments - Securities		
1550	Investments - Assets		
1560	Investments - Other		
1570	Equipment		
1571	Equipment	0.00	0.00
1576	(Accumulated Depreciation)	0.00	0.00
1580	Other Assets		
	<b>TOTAL ASSETS</b>	<b>(360.20)</b>	<b>(2.00)</b>
<b>2000 LIABILITIES</b>			
2600	Accounts Payable & Accrued Exp		
2601	Accounts Payable	0.00	0.00
2610	Grants Payable		
2611	Grants Payable	0.00	0.00
2620	Revenue Designated (Future Per.)		
2621	Revenue Designated	0.00	0.00
2630	Loans from Related Parties		
2631	Loans from Directors	0.00	0.00
2640	Mortgages/Notes Payable		
2641	Notes Payable	0.00	0.00
2650	Other Liabilities		
2651	Other Liabilities	0.00	0.00
	<b>Total Liabilities</b>	<b>0.00</b>	<b>0.00</b>



## Statement of Assets, Liabilities, &amp; Fund Balance (Unaudited) December 31, 2005

		Current 12 Mo. Period	Year To Date
3000	<b>FUND BALANCES</b>		
3670	Current Funds		
3671	Unrestricted Funds	0.00	0.00
3676	Restricted Funds	0.00	0.00
3680	Equipment Fund		
3690	Endowment Fund		
3700	Other Fund		
3710	Capital Stock or Trust Principal		
3711	Capital Stock	0.00	0.00
3720	Paid In or Capital Surplus		
3730	Retained Earnings / Accumulated Income		
3731	Retained Earnings      > 01/01/2004	0.00	(358.20)
3732	Current Earnings        > 12/31/2004	360.20	360.20
	<b>Total Fund Balance</b>	<b>360.20</b>	<b>2.00</b>
	<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b>360.20</b>	<b>2.00</b>
		0.00	0.00

Footnote:       Excess Ice Cream Bars and Popsicles donated to DARE Summer Camp

Footnote:

Footnote:

**TIGARD 4TH OF JULY, INC.****Statement of Revenue & Expense (Unaudited)****December 31, 2005**

	<b>Current 12 Mo. Period</b>	<b>Year To Date</b>
<b>4000 INCOME</b>		
4010 Contributions, Gifts, Grants		
4011 Direct Public Support	(2,992.92)	(2,992.92)
4012 Indirect Public Support	0.00	0.00
4013 Government Grants	(8,500.00)	(8,500.00)
4020 Program Service Revenue		
4030 Membership Dues / Assessments		
4040 Interest Earnings		
4050 Dividends / Interest on Securities		
4060 Net Rental Income		
4061 Gross Rents	0.00	0.00
4066 Rental Expenses	0.00	0.00
4070 Other Investment Income		
4080 Gain / Loss from Sale of Assets		
4081 Gross Sale Amount	0.00	0.00
4086 Cost / Expense	0.00	0.00
4090 Fundraising Events		
4091 Gross Revenues	0.00	0.00
4096 Direct Expenses	0.00	0.00
4100 Gross Profit from Sales		
4101 Gross Sales Less Returns	(947.80)	(947.80)
4106 Cost of Goods Sold	672.17	672.17
4107 Cost of Goods Sold	0.00	0.00
4108 Cost of Goods Sold	97.75	97.75
4110 Other Revenue		
<b>Total Revenue</b>	<b>(11,670.80)</b>	<b>(11,670.80)</b>
<b>6000 EXPENSES</b>		
6130 Program Service Expenses		
6131 Tigard 4th Celebration	11,915.00	11,915.00
6140 Management & General Expenses		
6141 Bank Service Charges	66.00	66.00
6142 Miscellaneous	50.00	50.00
6150 Fundraising Expenses		
6151 Miscellaneous	0.00	0.00
6160 Payments to Affiliates		
<b>Total Expense</b>	<b>12,031.00</b>	<b>12,031.00</b>
<b>(Excess) or Deficit</b>	<b>360.20</b>	<b>360.20</b>

**Tigard 4th of July, Inc.**  
**A Not for Profit Corporation**  
**FIN 93-1031978**

(503) 624-2975  
First Bank of Tigard Building  
12420 S. W. Main Street  
Tigard, Oregon 97223

February 3, 2006

Mr. Tom Imdieke  
Interim Finance Director  
City of Tigard  
13125 S.W. Hall Blvd.  
Tigard, Oregon 97223

Dear Tom,

The Board of Directors of Tigard 4th of July, Inc., a Non Profit Corporation, submit this letter with enclosures as our Funding Request for the Fiscal Year 2006 - 2007.

To the criteria for funding, we submit the following comments:

- (1) The Tigard Old Fashioned 4th of July Celebration is primarily for Tigard area residents; we do not advertise outside of the area.
- (2) This event is open to all citizens, with the only restrictions being no alcoholic beverages, no smoking, no personal barbecues and no personal fireworks.
- (3) We stress a family oriented type of celebration on this annual event, with effort to provide quality entertainment, a family/community style picnic atmosphere, and public opportunity to participate at no cost (unless they should desire to purchase snacks at very reasonable prices, the proceeds going toward the subsequent year's event).
- (4) With nineteen annual events successfully accomplished (the first was in 1987), we feel that the event has proven to be valuable to the community, and very affordable for the city and the citizens attending.
- (5) As with item (4), the Board of Directors feel that our success for nineteen years, and the records we have kept, demonstrate an ability to reach our goals and keep within reasonable budget commitments.
- (6) Financial Statements are annually prepared and submitted.

Tom Imdieke  
City of Tigard  
February 3, 2006  
Page 2

(7) The Funding Request per our previous agreements with the City of Tigard are based upon the encouragement of other sources of revenue.

We hope you find the information contained herein to be adequate for the City's budgeting purposes. We also hope you look forward to enjoying each year's event as much as we look forward to putting it on.

Last year, the City of Tigard approved an award of \$ 7,500.00 for the 2005/2006 fiscal year. We will be seeking some or all of the \$ 7,500.00 in June of 2006.

For the fiscal year 2006/2007, the Board of Directors of Tigard 4<sup>th</sup> of July, Inc. requests \$ 10,000.00 in contribution from the City of Tigard. For most of the nineteen years, we have been able to present the event with the same \$ 7,500 support from the City of Tigard. However, in recent years the costs have increased and other public/private support has been increasingly difficult to obtain. Numerous people have suggested that we seek an increase from the City of Tigard. We find the \$ 10,000 to be an adequate amount to ensure the success and continuation of the 4<sup>th</sup> of July Celebration.

With regards to City in-kind contributions, we have identified the following impacted areas:

Public Works - If the City Public Works personnel prepare the fireworks firing trench; I have been previously advised that the estimated cost is \$ 400 (1999 \$ subject to indexed adjustment).

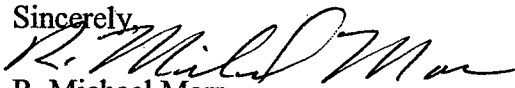
Police Department - The Police Department is advised of the event and incurs an estimated \$ 1,200 (1999 \$ subject to indexed adjustment) of cost for what primarily is traffic control after the event. Officers are present during the event more for public relations than for any policing requirements. We support the Officers presence, making some very important contacts with the citizens and youth in particular.

Administration - Insurance for the event previously was accomplished by a rider to the City's existing policy. Loreen Mills advised that there was no additional charge for this rider. Tigard 4<sup>th</sup> of July, Inc. purchased liability insurance from the fireworks supplier for the 2005 event.

Tom Imdieke  
City of Tigard  
February 3, 2006  
Page 3

Should you have questions about any of the above, please contact me for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Michael Marr". The signature is fluid and cursive, with the first name "R." and last name "Marr" clearly distinguishable.

R. Michael Marr  
Treasurer  
RMM/dbm

Enclosures

CC: Board Members

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

02-07-06P03:37 RCVD

**FY 2006-07  
COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name: Tigard High School Grad Night  
Address: P.O. Box 23664  
City, State, Zip: TIGARD, OR 97281-3664  
Contact Name: BECKIE BECK  
Telephone Number: (503) 620-1602  
E-mail address: beckie@byu.net

1. **Request** (express in whole dollar amounts only)

Cash

\$ 2,000.-

In-Kind Services (use of City property, City staff support,  
etc. Please explain the services requested on a separate sheet)

\$ —

**Total Request**

\$ 2,000.-

2. **Purpose of Funding Request:**

*offset costs for non-alcoholic, drug-free High  
School graduation night, to be held June 2006.*

3. **How will this event benefit the Tigard Community?**

*Provide safe, alcohol/drug free  
night in a chaperoned site during celebration of  
Tigard High School graduates.*

4. **How many Tigard residents do you anticipate participating in this event (or these events)?** *350-400*

5. **Please submit the following information with this request:**

- a. Detailed budget, including FY 2004-05 actual expenditures, FY 2005-06 Adopted Budget, and FY 2006-07 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. \*\*
- b. Audit report or financial statements for the last fiscal year. \*\*

- c. **Articles of Incorporation.\***
- d. **501(c)(3) status.\***
- e. **Organization Bylaws\***

\* Information not required if it has been submitted at least once in the last five years.

\*\* Lack of adequate financial information could result in denial of request.

***An electronic version of this application is available by contacting Maureen Denny at [maureen@tigard-or.gov](mailto:maureen@tigard-or.gov).***

9:03 PM

01/09/06

Cash Basis

**THS Grad Night**  
**2005-06 Adopted Budget**  
July 2005 through June 2006

	<u>Jul '05 - Jun 06</u>
<b>Income</b>	
50/50	1,400.00
Balloon Festival	1,000.00
Corporate Donations	4,000.00
Fundraisers	2,500.00
Grants	2,000.00
Interest Earned	15.00
Juan Young Trust	1,000.00
Parent Donations	1,000.00
Snack Shack	3,000.00
Spring Fling	75.00
Ticket Sales	13,500.00
TSO	1,500.00
<b>Total Income</b>	<u>30,990.00</u>
<b>Expense</b>	
Cameras/Photography	150.00
Decorations/Set-Up	300.00
Entertainment/Games	550.00
Food	500.00
Gifts	200.00
Insurance	275.00
Miscellaneous Exp	200.00
Postage/PO Box	375.00
Printing	100.00
Prizes	3,000.00
Publicity	300.00
Site Expense	22,000.00
Tax Prep	350.00
<b>Total Expense</b>	<u>28,300.00</u>
<b>Net Income</b>	<u><u>2,690.00</u></u>



9:00 AM  
02/07/06  
Accrual Basis

**THS Grad Night**  
**Actual Expenditures FY 2004-05**  
**July 2004 through June 2005**

	<u>Jul '04 - Jun 05</u>
<b>Income</b>	
50/50	1,372.50
Corporate Donations	4,890.00
Fundraisers	2,389.36
Grants	2,000.00
Interest Earned	7.41
Parent Donations	1,403.00
Senior Class	2,000.00
Ticket Sales	13,344.00
TSO	750.00
<b>Total Income</b>	<u>28,156.27</u>
<b>Expense</b>	
Cameras/Photography	894.00
Decorations/Set-Up	353.66
Entertainment/Games	408.83
Gifts	170.95
Insurance	253.00
Postage/PO Box	368.19
Printing	77.14
Prizes	2,668.67
Site Expense	23,495.00
Tax Prep	313.69
<b>Total Expense</b>	<u>29,003.13</u>
<b>Net Income</b>	<u><u>-846.86</u></u>

# Tigard Graduation Celebration Committee

P.O. Box 23664  
Tigard, Oregon 97223

02-07-06P05:38 RCVD

February 1, 2006

Tom Imdieke  
Interim Finance Director  
13125 SW Hall Blvd.  
Tigard 97223

RE: Tigard High School Graduation Night Funding Approval

Dear Tom:

I am the new treasurer for the Tigard High Grad Night Committee. As instructed, I am writing to request your contribution to the Tigard High School Non-Alcoholic Graduation Night Celebration in the amount of \$2,000.

You can send your check to the following address:

THS Grad Night Celebration  
P.O. Box 23664  
Tigard, OR 97281-3664

We appreciate the City of Tigard's consistent support of this event.

Sincerely,



Beckie Beck  
Treasurer

CITY OF TIGARD, OREGON  
13125 SW HALL BLVD.  
TIGARD, OREGON 97223  
503-639-4171

**FY 2006-07  
COMMUNITY EVENTS FUNDING REQUEST**

Due: February 3, 2006

Event Name: Tualatin Riverkeepers' Trips & Tours 2006 Season  
Address: 12360 SW Main Street  
City, State, Zip: Tigard, OR 97223  
Contact Name: Sue Marshall  
Telephone Number: (503) 620-7507

1. **Request** (express in whole dollar amounts only)

Cash	\$ 4,000
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	\$ 500
<b>Total Request</b>	<b>\$ 4,500</b>

Tualatin Riverkeepers additionally supports this project through individual contributions from our members, corporate sponsors and support of 117 trained volunteers contributing approximately 1,000 hours of service.

2. **Purpose of Funding Request:**

Funding will support the Tualatin Riverkeepers' 2006 Trips & Tours Season featuring multiple outdoor activities (paddling, picnicking, hiking, and bicycling) that will run April through October. Outreach will be conducted to reach broad and diverse segments of the community including youth, low income, and Latino populations. Featured activities will include:

- 17<sup>th</sup> Annual Tualatin River Discovery Day with Cook Park as midpoint stop along the route from Tualatin to West Linn.
- Paddle/Peddle – a joint event with Audubon Society of Portland that will combine a bike ride along Fanno Creek trail to Cook Park where participants will then launch for a paddle on the Tualatin River.
- Dia de Disfrute del Rio Tualatin, a bi-lingual paddle/picnic and environmental fair designed for the Latino community.

In all we anticipate about 20 events with participation of 600 people during the year. Please see out attached paddling season schedule.

**3. How will this event benefit the Tigard Community?**

This program provides local recreational opportunities that engages participants in environmental education, connects the community to local natural resources, and fosters watershed stewardship. With our office now located in downtown Tigard, we are looking forward to expanding activities in and participation of the Tigard community. Cook Park will be featured as the midpoint stop on our 17<sup>th</sup> annual Tualatin River Discovery Day paddle route and we will organize a new multi-model peddle/ paddle in collaboration with Audubon Society of Portland. The peddle will occur along Fanno Creek Trail with Cook Park as the launch site for the paddle. We also plan to expand the very successful Dia de Disfrute del Rio Tualatin (85 participants). The 3<sup>rd</sup> annual Dia de Disfrute will also occur at Cook Park and bring together Latino families to enjoy and learn more about the Tualatin River watershed.

Our events are open to the public and many of our participants and volunteers are Tigard residents. These experiential activities are a most effective way to promote environmental awareness and stewardship. Additionally, our trips and Tours program encourages outdoors physical activity and promotes a health lifestyle. Many of those who participate in our trips are first time paddlers who gain the skills and confidence needed to then venture out and repeat these experiences on their own.

Tualatin Riverkeepers' events are provided free or at a nominal cost of \$5 to \$10 per person.

**4. How many Tigard residents do you anticipate participating in this event (or these events)?**

We anticipate over 85 Latino families will participate in the bi-lingual paddle day and approximately 600 individuals will participate in the paddling season as paddlers and volunteers. We will also organize a multi-modal paddle/peddle (30 participants) event highlighting the Fanno Creek trail and Cook Park. We anticipate approximately 30% of all participants will be from the Tigard area.

**5. Please submit the following information with this request:**

- a. Detailed budget, including FY 2004-05 actual expenditures, FY 2005-06 Adopted Budget, and FY 2006-07 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. \*\*
- b. Audit report or financial statements for the last fiscal year.\*\*
- c. Articles of Incorporation.\*
- d. 501(c)(3) status.\*
- e. Organization Bylaws\*

\* Information not required if it has been submitted at least once in the last five years.

\*\* Lack of adequate financial information could result in denial of request.

**NOTE: Tualatin Riverkeepers will develop a proposed 2006-2007 budget in May 2006. This information is not available at this time.**

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 6 1993

TUALATIN RIVERKEEPERS  
16340 SW BEEF BEND RD  
SHERWOOD, OR 97140-7411

Employer Identification Number:  
94-3184499  
DLN:  
17053059783028  
Contact Person:  
D. A. DOWNING  
Contact Telephone Number:  
(513) 241-5199  
Our Letter Dated:  
September, 1993  
Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

  
District Director

Letter 1050 (DO/CG)

## **Tualatin Riverkeepers' Trips & Tours Program**

### **In-Kind Services – use of City property**

Tualatin Riverkeepers request a grant of \$4,000 from the City of Tigard for costs incurred from these events. Costs include: equipment rental and upkeep, traffic control, printing of *Tualatin River Tales*, and posters, staffing for event registration, and volunteer recruitment, training and coordination. Total cost of the Trips and Tours program is approximately \$40,000 supported largely through individual donations, corporate sponsorship, small fees and grants.

We are also requesting use of the Cook Park picnic facilities, boat ramp, dock and restrooms for Tualatin River Discovery Day, Dia de Disfrute del Rio Tualatin, and least three paddle trips this season. We assigned an estimated value of \$500 for these in-kind services throughout the year.

For the past six years, Tualatin Riverkeepers have enjoyed the generous support of the City of Tigard for our Trips & Tours program. Thank you and we look forward to building our partnership further now that our headquarters are located on Main Street, Tigard.

## Tualatin Riverkeepers' Trips & Tours 2006 Paddle Season



While Tualatin Riverkeepers (TRK) trips are open to all members and the general public, space is limited and reservations are required. *There is a trip charge of \$5 per person for TRK members and \$10 for nonmembers. Canoes are available to members free of charge by reservation. Nonmembers may rent our canoes for our paddle trips for \$30.* Alcohol is not permitted on trips or tours and personal flotation devices must be worn on paddle trips. TRK trips may be cancelled due to severe weather (lightning, flooding, ice, etc.), but will often take place in light rain. Please dress accordingly. All trip leaders are volunteers and are not compensated for the time and energy that they put in to making our Trips & Tours Program successful. Trips may be canceled if we are unable to recruit sufficient volunteer support to lead a safe and enjoyable trip. For more information or to register, please contact us at 503-620-7507 or [info@tualatinriverkeepers.org](mailto:info@tualatinriverkeepers.org).

April 22, Saturday. Wild in the City Paddle Trip and Bike Ride.

Where: Fanno Creek Bike Ride & Tualatin River Float. Time: Noon to 4 pm

May 13, Saturday. International Migratory Songbird Festival FREE Paddles (Beginner/Intermediate)

Where: Tualatin River National Wildlife Refuge, Sherwood. Times: 11 am & 2 pm

May 21, Sunday. Metro Paddle and Hike with Naturalist James Davis (Beginner/Intermediate)

Where: Munger Property, Scholls. Time: 10 am to 2 pm

June 3, Saturday. Blue Heron Week Celebration Paddle Trip (Intermediate/Advanced)

Where: Rood Bridge Park, Hillsboro to Eagle Landing, Scholls. Time: 10 am to 4 pm

June 10, Saturday. Metro Paddle and Hike with Naturalist James Davis (Beginner/Intermediate)

Where: Munger Property, Scholls. Time: 10 am to 2 pm

June 24, Saturday. **16th Annual Tualatin River Discovery Day**

Where: Tualatin River National Wildlife Refuge. Time: 9 am to 3 pm

July 9, Sunday. Summer Paddle Trip (Beginner)

Where: Cook Park, Tigard. Time: 9 am to noon

July 22, Saturday. Summer Paddle Trip (Beginner)

Where: Rivergrove Park, Lake Oswego. Time: 10 am to 1 pm

August 5, Saturday. Paddle & Picnic

Where: Field's Bridge & Tualatin River Nursery, West Linn. Time: 11 am to 2 pm

August 19, Saturday. Mid-Summer's Night Paddle Trip (Beginner)

Where: Tualatin Community Park, Tualatin. Time: 6 pm to 8 pm

September 9, Saturday. School's In! Summer Paddle Trip (Beginner)

Where: Cook Park, Tigard. Time: 11 am to 2 pm

September 23, Saturday. Upper Tualatin River Van Tour

Where: Upper Tualatin River areas. Time: 9 am to 5 pm

September 24, Sunday. Bye-bye, Summer Paddle Trip (Intermediate)

Where: 99W Bridge. Time: 10 am to 2 pm

September 30, Saturday. Fall Paddle Trip (Beginner)

Where: Tualatin Community Park, Tualatin. Time: 11 to 2 pm

October 14, Saturday. National Refuge Week – Free Paddles on the Refuge (Intermediate)

Where: Tualatin River National Wildlife Refuge, Sherwood. Time: 11 am & 2 pm

*Dates and time subject to change. Please check our web-site for updates at [www.tualatinriverkeepers.org](http://www.tualatinriverkeepers.org).*

**Tualatin Riverkeepers**  
**Statement of Financial Position**  
**December 31, 2005**

	Current Month	Previous Month
<b>ASSETS</b>		
Current Assets		
Checking - West Coast Bank	916.98	648.45
Money Market Account - WCB	22,108.36	24,432.71
Petty Cash on Hand	100.00	100.00
Unconditional promise to give	30,000.00	30,000.00
Accounts Receivable	0.00	464.14
Inventory - T-shirts	1,007.25	1,007.25
Inventory - Books	1,493.46	1,504.43
<b>Total Current Assets</b>	<b>55,626.05</b>	<b>58,156.98</b>
Property and Equipment		
Canoes, Trailers & Equipment	21,365.77	21,365.77
Computer Hardware/Software	12,717.32	12,717.32
Accumulated Depreciation	(22,698.81)	(22,241.38)
<b>Total Property and Equipment</b>	<b>11,384.28</b>	<b>11,841.71</b>
<b>Total Assets</b>	<b>67,010.33</b>	<b>69,998.69</b>
<b>LIABILITIES AND NET ASSETS</b>		
Current Liabilities		
Vacation Accrual	2,708.00	2,880.00
Salaries Payable	3,907.77	3,907.77
Flex Spend Plan	1,083.46	586.79
Accounts Payable - 403B	433.33	433.33
<b>Total Current Liabilities</b>	<b>8,132.56</b>	<b>7,807.89</b>
<b>Total Liabilities</b>	<b>8,132.56</b>	<b>7,807.89</b>
<b>NET ASSETS</b>		
Beginning Net Assets	(8,606.96)	(8,606.96)
Grants Temporarily Restricted	38,239.26	38,239.26
Net Income	29,245.47	32,558.50
<b>Total Net Assets</b>	<b>58,877.77</b>	<b>62,190.80</b>
<b>Total Liabilities &amp; Net Assets</b>	<b>67,010.33</b>	<b>69,998.69</b>



Tualatin Riverkeepers  
Statement of Financial Activity Consolidated Departments  
For the Six Months Ending December 31, 2005

	Current Month	Year to Date	Budget	Remaining In Budget	Percent of Budget
<b>Revenues</b>					
Foundations Grants	10,000.00	110,700.00	118,930.00	8,230.00	93%
Government Grants	0.00	2,280.00	127,500.00	125,220.00	2%
Memberships - IND/ORG	8,930.45	20,455.45	45,000.00	24,544.55	45%
Appeals/Major Gifts	1,488.00	5,176.00	17,000.00	11,824.00	30%
Corporate Support	0.00	4,175.50	18,000.00	13,824.50	23%
Events	0.00	10,805.89	42,000.00	31,194.11	26%
ESOR Workplace Giving	0.00	4,573.26	8,900.00	4,326.74	51%
Contract Services/Trips	0.00	1,563.06	6,000.00	4,436.94	26%
Sales of Materials	211.98	1,744.28	1,600.00	(144.28)	109%
In-Kind Donations	500.00	3,000.00	9,840.00	6,840.00	30%
Other Income	0.00	522.80	500.00	(22.80)	105%
Interest	34.25	227.38	300.00	72.62	76%
<b>Total Revenues</b>	<b>21,164.68</b>	<b>165,223.62</b>	<b>395,570.00</b>	<b>230,346.38</b>	<b>42%</b>
<b>Expenses</b>					
Salaries	14,206.74	81,253.54	167,634.00	86,380.46	48%
Taxes and Fringe Benefits	3,787.53	20,478.73	46,763.00	26,284.27	44%
Americorps	0.00	0.00	6,500.00	6,500.00	0%
<b>Total Personnel</b>	<b>17,994.27</b>	<b>101,732.27</b>	<b>220,897.00</b>	<b>119,164.73</b>	<b>46%</b>
Contract Services	300.00	5,535.53	45,000.00	39,464.47	12%
Professional Services	89.37	2,366.51	24,150.00	21,783.49	10%
Occupancy	500.00	5,060.00	14,260.00	9,200.00	35%
Insurance	1,799.54	4,888.66	4,492.00	(396.66)	109%
Telephone	335.77	1,684.90	3,600.00	1,915.10	47%
Supplies	599.69	2,850.20	5,000.00	2,149.80	57%
Equipment Purchases	0.00	0.00	2,430.00	2,430.00	0%
Postage	577.97	2,175.97	3,800.00	1,624.03	57%
Printing	983.75	2,818.81	6,000.00	3,181.19	47%
Publications	0.00	310.20	5,600.00	5,289.80	6%
Advertising	0.00	96.11	800.00	703.89	12%
Dues	0.00	0.00	600.00	600.00	0%
Member Outreach	0.00	0.00	2,000.00	2,000.00	0%
Travel	78.00	1,152.55	2,600.00	1,447.45	44%
Conferences/Training	95.00	285.00	3,500.00	3,215.00	8%
Meetings/Food & Beverages	78.77	845.54	12,500.00	11,654.46	7%
Miscellaneous	588.15	1,528.93	1,250.00	(278.93)	122%
Depreciation	457.43	2,646.97	2,500.00	(146.97)	106%
<b>Total Support Costs</b>	<b>6,483.44</b>	<b>34,245.88</b>	<b>140,082.00</b>	<b>105,836.12</b>	<b>24%</b>
<b>Total Expenses</b>	<b>24,477.71</b>	<b>135,978.15</b>	<b>360,979.00</b>	<b>225,000.85</b>	<b>38%</b>
<b>Net Income</b>	<b>(3,313.03)</b>	<b>29,245.47</b>	<b>34,591.00</b>	<b>5,345.53</b>	<b>85%</b>
<b>Temp Restricted Released</b>					
<b>Foundation Grants</b>	<b>6,089.55</b>	<b>36,154.81</b>	<b>40,000.00</b>	<b>3,845.19</b>	

**TUALATIN RIVERKEEPERS**

**FINANCIAL STATEMENTS**

**FOR THE YEARS ENDED JUNE 30, 2005 and 2004**

**with**

**REPORT OF CERTIFIED PUBLIC ACCOUNTANTS**

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**PUTTMAN &**  
CERTIFIED PUBLIC ACCOUNTANTS  
**TEAGUE, LLP**

To the Board of Directors of  
Tualatin Riverkeepers  
Sherwood, Oregon

We have audited the accompanying statements of financial position of Tualatin Riverkeepers (a nonprofit organization) as of June 30, 2005 and 2004, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Tualatin Riverkeepers as of June 30, 2005 and 2004, and the changes in its net assets and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

*Puttman & Teague, LLP*

PUTTMAN & TEAGUE, LLP  
Certified Public Accountants

Portland, OR  
October 28, 2005

**TUALATIN RIVERKEEPERS**  
**Statements of Financial Position**  
**June 30, 2005 and 2004**

	<u>2005</u>	<u>2004</u>
<b>Current assets:</b>		
Cash - operations	\$ 650	\$ 1,774
Money market	2,761	62,096
Cash on hand	<u>99</u>	<u>100</u>
Total cash and cash equivalents	3,510	63,970
Accounts receivable	13,340	350
Unconditional promises to give	56,365	146,483
Inventory	<u>590</u>	<u>1,221</u>
Total current assets	<u>73,805</u>	<u>212,024</u>
<b>Fixed assets:</b>		
Computer equipment	8,737	6,698
Furniture & equipment	17,852	17,852
Accumulated depreciation	<u>(19,757)</u>	<u>(16,161)</u>
Net fixed assets	<u>6,832</u>	<u>8,389</u>
<b>Other assets:</b>		
Prepaid insurance	<u>3,925</u>	<u>2,406</u>
Total other assets	<u>3,925</u>	<u>2,406</u>
Total assets	<u><u>\$ 84,562</u></u>	<u><u>\$ 222,819</u></u>
<b>Liabilities:</b>		
Deferred revenue		\$ 49,786
Accounts payable	\$ 36,168	2,929
Accrued vacation	6,220	5,670
Accrued expense	4,227	857
Payroll tax liabilities	733	1,630
Line of credit	<u>5,000</u>	
Total liabilities	<u>52,348</u>	<u>60,872</u>
<b>Net assets:</b>		
Unrestricted	(23,151)	73
Temporarily restricted	<u>55,365</u>	<u>161,874</u>
Total net assets	<u>32,214</u>	<u>161,947</u>
Total liabilities and net assets	<u><u>\$ 84,562</u></u>	<u><u>\$ 222,819</u></u>

See Accountants' Report and  
Notes to Financial Statements

**TUALATIN RIVERKEEPERS**  
**Statements of Activities**  
**For the Year Ended June 30, 2005**

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
<b>Revenues and support:</b>			
Grants and contracts	\$ 50,785	\$ 39,057	\$ 89,842
Corporate support	22,840		22,840
Other public support	26,774		26,774
Membership	40,150		40,150
Special events	33,616		33,616
Member services	3,718		3,718
In-kind donations	7,500		7,500
Merchandise sales	1,490		1,490
Interest	254		254
Total revenue	<u>187,127</u>	<u>39,057</u>	<u>226,184</u>
Satisfaction of restrictions	<u>145,566</u>	<u>(145,566)</u>	
Total revenues and support	<u>332,693</u>	<u>(106,509)</u>	<u>226,184</u>
<b>Program expense:</b>			
Advocacy monitoring	69,082		69,082
Restoration	105,904		105,904
Public education and outreach	84,311		84,311
Total program expense	<u>259,297</u>		<u>259,297</u>
Management and general	26,720		26,720
Fundraising and special events	69,900		69,900
Total expense	<u>355,917</u>		<u>355,917</u>
Change in net assets	(23,224)	(106,509)	(129,733)
Beginning net assets	<u>73</u>	<u>161,874</u>	<u>161,947</u>
Net assets, end of year	<u><u>\$ (23,151)</u></u>	<u><u>\$ 55,365</u></u>	<u><u>\$ 32,214</u></u>

See Accountants' Report and  
Notes to Financial Statements

**TUALATIN RIVERKEEPERS**  
**Statements of Activities**  
**For the Year Ended June 30, 2004**

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
<b>Revenues and support:</b>			
Grants and contracts	\$	\$ 328,598	\$ 328,598
Corporate support	9,472		9,472
Other public support	17,015		17,015
Membership	30,235		30,235
Special events	32,397		32,397
Member services	3,620		3,620
In-kind donations	6,000		6,000
Merchandise Sales	1,672		1,672
Interest	<u>1,121</u>		<u>1,121</u>
Total revenue	101,532	328,598	430,130
Satisfaction of restrictions	<u>278,928</u>	<u>(278,928)</u>	
Total revenues and support	<u>380,460</u>	<u>49,670</u>	<u>430,130</u>
<b>Program expense</b>			
Advocacy monitoring	67,218		67,218
Restoration	142,440		142,440
Public education and outreach	<u>97,339</u>		<u>97,339</u>
Total program expense	306,997		306,997
Management and general	28,219		28,219
Fundraising and special events	<u>50,582</u>		<u>50,582</u>
Total expense	<u>385,798</u>		<u>385,798</u>
Change in net assets	(5,338)	49,670	44,332
Beginning net assets	<u>5,411</u>	<u>112,204</u>	<u>117,615</u>
Net assets, end of year	<u>\$ 73</u>	<u>\$ 161,874</u>	<u>\$ 161,947</u>

See Accountants' Report and  
Notes to Financial Statements

**TUALATIN RIVERKEEPERS**  
**Statements of Cash Flows**  
**For the Years Ended June 30, 2005 and 2004**

	<u>2005</u>	<u>2004</u>
Cash flows from operating activities:		
Cash received from public support	\$ 117,184	\$ 104,450
Cash received from contributions	49,614	26,487
Cash received from membership	40,150	30,235
Cash received from special events	33,616	32,397
Cash received from member services	3,718	3,620
Cash received from merchandise sales	1,490	1,672
Interest	254	1,111
Cash paid to employees and suppliers	<u>(310,947)</u>	<u>(376,474)</u>
Net cash used by operating activities	<u>(64,921)</u>	<u>(176,502)</u>
Cash flows from investing activities:		
Purchase of equipment	<u>(529)</u>	<u>(4,584)</u>
Net cash used by investing activities	<u>(529)</u>	<u>(4,584)</u>
Cash flows from financing activities:		
Bank line of credit	<u>5,000</u>	<u></u>
Net cash provided by financing activities	<u>5,000</u>	<u></u>
Net increase in cash and cash equivalents	(60,450)	(181,086)
Cash and cash equivalents at beginning of year	<u>63,960</u>	<u>245,046</u>
Cash and cash equivalents at end of year	<u>\$ 3,510</u>	<u>\$ 63,960</u>
Reconciliation of change in net assets to net cash provided by operating activities:		
Change in net assets	\$ (129,733)	\$ 44,332
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation	3,596	4,048
Less in kind contribution	(1,500)	
Decrease (increase) in accounts receivable	(12,990)	(330)
Decrease (increase) in unconditional promises	90,118	(144,320)
Decrease (increase) in inventory	631	(94)
Decrease (increase) in prepaid expense	(1,519)	(2,406)
Increase (decrease) in accounts payable	33,239	(1,067)
Increase (decrease) in deferred revenue	(49,786)	(79,499)
Increase (decrease) in accrued vacation	550	1,817
Increase (decrease) in payroll liabilities	(897)	545
Increase (decrease) 403 (b) plan payable	<u>3,370</u>	<u>482</u>
Net cash used by operating activities	<u>\$ (64,921)</u>	<u>\$ (176,492)</u>

See Accountants' Report and  
Notes to Financial Statements



**TUALATIN RIVERKEEPERS**  
**Notes to Financial Statements**  
**June 30, 2005 and 2004**

**NOTE A. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES**

**Nature of Activities**

Tualatin Riverkeepers is a private, nonprofit organization. Since the Organization's inception in 1993, it has been dedicated to the promotion of the educational, scientific, historical and recreational aspects of the Tualatin River and its watershed.

**Method of Accounting**

The financial statements of the Organization have been prepared on the accrual basis of accounting and accordingly reflect all significant receivables, payables and other liabilities.

**Basis of Presentation**

Financial statement presentation follows the recommendations of the Financial Accounting Standards Board in its Statement of Financial Accounting Standard (SFAS) No. 117, "Financial Statements of Not-for-Profit Organizations." Under SFAS No. 117, the Organization is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets.

At June 30, 2005 and 2004, the Organization had no permanently restricted net assets.

**Contributions**

Contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted support depending on the existence and/or nature of any donor restrictions.

All donor-restricted support is reported as an increase in temporarily or permanently restricted net assets, depending on the nature of the restriction. When a restriction expires (that is, when a stipulated time restriction ends or purpose restriction is accomplished), temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

**Public Support and Revenue**

Membership dues are available for unrestricted use and recorded as revenue in the year received.

Annual campaign contributions are generally available for unrestricted use in the related campaign year unless specifically restricted by the donor.

Grants and other contributions of cash and other assets are reported as temporarily restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

**TUALATIN RIVERKEEPERS**  
**Notes to Financial Statements**  
**June 30, 2005 and 2004**

**NOTE A. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES**  
**(Continued)**

**Functional Expenses**

The costs of providing the various programs and other activities have been summarized on a functional basis in the statement of activities. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

**Inventories**

At June 30, 2005 and 2004, inventory consists of books and is stated at lower of cost or market.

**Property and Equipment**

Acquisitions of property and equipment in excess of \$500 are capitalized. Property and equipment are carried at cost or, if donated, at the approximate fair value at the date of donation. Depreciation is computed using primarily the straight-line method over the useful lives of the assets.

**Cash and Cash Equivalents**

For purposes of the statement of cash flows, the Organization considers all highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents.

**Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

**Income Taxes**

The Organization is a not-for-profit organization that is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. In addition, Tualatin Riverkeepers has been determined by the Internal Revenue Service not to be a "private foundation" within the meaning of Section 509(a) of the Internal Revenue Code.

**TUALATIN RIVERKEEPERS**  
**Notes to Financial Statements**  
**June 30, 2005 and 2004**

**NOTE B. PROMISES TO GIVE**

Unconditional promises to give at June 30, 2005 and 2004 are as follows:

	<u>2005</u>	<u>2004</u>
Receivable in less than one year	\$ 56,365	\$146,483

Promises to give are stated at the amount management expects to collect from outstanding balances; therefore, no allowance for doubtful accounts has been established.

**NOTE C. SUPPORT FROM GRANTS AND CONTRACTS**

Tualatin Riverkeepers was funded through the following grants and contracts for the fiscal years ended June 30, 2005 and 2004:

	<u>2005</u>
OWEB Brown Property	\$ 10,000
Division of State Lands	49,785
OWEB Salmon Carcass Project	1,692
Meyer Memorial Trust	9,090
US Forest Service	12,000
Miscellaneous grants and foundations	7,275
Total	<u>\$ 89,842</u>

	<u>2004</u>
OWEB Watershed Improvement	\$ 57,116
Division of State Lands	79,500
OWEB Salmon Carcass Project	4,200
Meyer Memorial Trust	100,000
Bullitt Foundation (BCW)	30,000
OCF Cedar Canyon Creek	17,280
OCF Fanno Basin	20,835
Metro	4,000
US Forest Service	1,298
Miscellaneous grants and foundations	14,369
Total	<u>\$328,598</u>

**NOTE D. DEFERRED REVENUE**

Deferred revenue for the fiscal years ended June 30, 2005 and 2004, consisted of the following:

	<u>2005</u>	<u>2004</u>
Division of State Lands	\$ 0	\$ 49,786

**TUALATIN RIVERKEEPERS**  
**Notes to Financial Statements**  
**June 30, 2005 and 2004**

**NOTE E. TEMPORARILY RESTRICTED NET ASSETS**

Temporarily restricted net assets for the fiscal years ended June 30, 2005 and 2004, consisted of the following grants:

	<u>2005</u>
Meyer Memorial Trust	\$ 49,090
Restricted for the purposes of capacity building support to generate increased revenue from private and corporate supporters.	
City of Tigard	<u>6,275</u>
Restricted for purposes of conducting trips and tours by canoe on the Tualatin River.	
	<u>\$ 55,365</u>
	<u>2004</u>
Bullitt Foundation	\$ 19,339
Restricted for the purposes of securing improved water quality in the Tualatin Basin.	
Cedar Canyon Creek	14,930
Restricted for the purposes of developing a community based approach to restoring water quality and the spawning and rearing habitat of native steelhead and cutthroat trout.	
Fanno Basin Watershed Action	16,140
Restricted for the purposes of implementing watershed priorities developed by the Fanno Basin Working Group.	
Meyer Memorial Trust	108,684
Restricted for the purposes of capacity building support to generate increased revenue from private and corporate supporters.	
Rural Restoration Community	393
Restricted for the purposes of the cooperative financing, coordination, and implementation of a Citizen Water Quality and Restoration Project Monitoring Program in conjunction with the Tualatin River Watershed Council and the Washington County Soil and Water Conservation District.	
OWEB Salmon Carcass Project	1,740
Restricted for the purposes of monitoring the health and habitat of salmon in the Tualatin River Watershed.	
US Forest Service	<u>648</u>
Restricted for the purposes of improving the watershed area of Tualatin River.	
	<u>\$161,874</u>

**TUALATIN RIVERKEEPERS**  
**Notes to Financial Statements**  
**June 30, 2005 and 2004**

**NOTE F. DONATED SERVICES, MATERIALS, AND FACILITIES**

The Organization receives a substantial amount of services donated by a variety of unpaid volunteers assisting the Organization in its programs and events. No amounts have been recognized in the accompanying statement of activities because the criteria for recognition of such volunteer effort under SFAS No. 116 have not been satisfied.

The Organization occupies part of the facilities located at 16507 SW Roy Rogers Road, Sherwood, under a three-year agreement with the U.S. Fish and Wildlife Service. No rent is paid by the Organization; however, Tualatin Riverkeepers provides educational and volunteer services and assists in the projects of the National Fish and Wildlife Service in regard to the Tualatin River and watershed area. The approximate fair value of the annual rental is estimated to be \$6,000 and it is included in contributions and expenses in the statement of activities.

**NOTE G. FIXED ASSETS**

As of June 30, 2005 and 2004, fixed assets consist of:

	<u>2005</u>	<u>2004</u>
Computer equipment	\$ 8,737	\$ 6,698
Furniture and equipment	17,852	17,852
Less: Accumulated depreciation	<u>(19,757)</u>	<u>(16,161)</u>
	<u>\$ 6,832</u>	<u>\$ 8,389</u>

Depreciation expense for the years ended June 30, 2005 and 2004 aggregated \$3,595 and \$4,048, respectively.

**NOTE H. BANK LINE OF CREDIT**

As of June 30, 2005, the Organization has a \$20,000 unsecured line of credit with West Coast Bank to be drawn upon as needed, with a variable interest rate of prime plus 1-5/8%. At June 30, 2005, the balance was \$5,000.

**NOTE I. RETIREMENT PLAN**

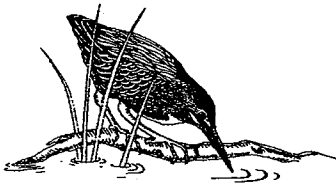
The Organization has a 403(b) plan which allows employees to make voluntary contributions. Employer contributions for plan participants are calculated based on 14% of the employees annual salaries.

The expense to the Organization for the fiscal years ended June 30, 2005 and 2004 was \$15,241 and \$15,698, respectively.

**TUALATIN RIVERKEEPERS**  
**Notes to Financial Statements**  
**June 30, 2005 and 2004**

**NOTE J. RECLASSIFICATION OF 2004 COMPARATIVE TOTALS**

Certain 2004 amounts presented in the financial statements have been reclassified to conform to the 2005 presentation.



## **Tualatin Riverkeepers**

12360 SW Main St. Suite 100 Tigard, OR 97223

phone: (503) 620-7507 · fax: (503) 620-7645 [www.tualatinriverkeepers.org](http://www.tualatinriverkeepers.org)

email: [info@tualatinriverkeepers.org](mailto:info@tualatinriverkeepers.org)

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### **Tualatin Riverkeepers Board of Directors**

*as of June 2005*

**Ron Garst, President\***

26340 SW Grahams Ferry Rd

Sherwood OR 97140

503-582-9563 (h)

[garst@easystreet.com](mailto:garst@easystreet.com)

Employer: USFWS, Retired

**John Driscoll**

14909 NW Corey Rd

North Plains, OR 97133

503-647-5598 (h)

[jcd@odriscoll.name](mailto:jcd@odriscoll.name)

**Bob Fuquay, Vice President/Secretary\***

PO Box 871

Tualatin OR 97062

503-638-6602 (h)

[gfuquay@gte.net](mailto:gfuquay@gte.net)

Employer: ODOT

**John Donnelson**

11315 SW Ambiance Pl

Tigard, OR 97223

503-639-0883 (h)

[john.donnelson@verizon.net](mailto:john.donnelson@verizon.net)

Employer: Wrigleys, Retired

**Jean Sandwick, Treasurer\***

16344 Inverurie Rd

Lake Oswego OR 97035

503-675-3043 (h)

[jean.sandwick@comcast.net](mailto:jean.sandwick@comcast.net)

**Susan Murray**

11555 SW Denfield St

Beaverton, OR 97005

503-643-4987 (h)

[susan.murray@comcast.net](mailto:susan.murray@comcast.net)

Employer: University of Portland

**Ramsay Weit**

5350 NW Pondosa Dr

Portland OR 97229

503-629-9040 (h), 846-5790 x2 (w)

[polwonks@comcast.net](mailto:polwonks@comcast.net)

Employer: Community Housing Fund

*\*Executive Committee Member*

AMENDED ARTICLES OF INCORPORATION

OF

Tualatin Riverkeepers

ARTICLE I

The name of this corporation is the Tualatin Riverkeepers and its duration shall be perpetual.

ARTICLE II

This corporation is a public benefit corporation.

ARTICLE III

The purposes for which the corporation is organized are:

A. This corporation is organized exclusively for charitable educational and scientific purposes, including, for such purposes, the making of distribution to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue Law.

B. The primary purpose of the corporation is to create, establish and provide an independent nonprofit educational resource to promote the educational, scientific, historical and recreational aspects of the Tualatin River.

C. The corporation may engage in any lawful activity, none of which is profit, for which corporations may be organized under Oregon law.

ARTICLE IV

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to its trustees, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III.



No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue Law, or (b) by a corporation, contributions to which are deductible under section 197(c)(2) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

#### ARTICLE V

In the event of the winding up and dissolution of this corporation, after paying or adequately providing for all debts and obligations of the corporation, all remaining assets shall be distributed to a nonprofit fund, foundation, or corporation organized and operated exclusively for charitable, educational, or scientific purposes and which has established its tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any corresponding provision of any future United States Internal Revenue Law. If possible, assets shall be distributed to an environmental organization located in Washington County and/or Clackamas County which meets the above qualifications.

#### ARTICLE VI

This corporation shall have no members.

#### ARTICLE VII

No director or uncompensated officer of this corporation shall be liable to the corporation for monetary damages for conduct as a director or officer, for any act or omission occurring prior to January 26, 1992, to the fullest extent permitted by the Oregon Nonprofit Corporation Act.

#### ARTICLE VIII

The corporation must indemnify, to the fullest extent permitted by the Oregon Business Corporation Act, any person who has been made, or is threatened to be made, a party to an action, suit, or proceeding, because the person is or was a director or officer of the Corporation. The Corporation must also pay the reasonable expenses incurred by such a person in advance of the final disposition of any such proceeding.

#### ARTICLE IX

The board of directors may appoint a person or persons to exercise some or all of the powers which would otherwise be exercised by the board of directors. To the extent so authorized, the person or persons shall have the duties and responsibilities of the directors, and the directors shall be relieved to that extent from such duties and responsibilities.

#### ARTICLE X

This corporation will not discriminate against any person on the basis of race, color, sex, religion, creed, or ethnic or national origin.



Phone: (503) 986-2200  
Fax: (503) 378-4381

# Articles of Amendment—Business/Professional/Nonprofit

Secretary of State  
Corporation Division  
255 Capitol St. NE, Suite 151  
Salem, OR 97310-1327

Check the appropriate box below:

For office use only

- ☐ BUSINESS/PROFESSIONAL CORPORATION  
(Complete only 1, 2, 3, 4, 6, 7)
- ☒ NONPROFIT CORPORATION  
(Complete only 1, 2, 3, 5, 6, 7)

dry Number: 282213-80

h Additional Sheet if Necessary  
is Type or Print Legibly in Black Ink

NAME OF CORPORATION PRIOR TO AMENDMENT

TUALATIN RIVERKEEPERS

STATE THE ARTICLE NUMBER(S) AND SET FORTH THE ARTICLE(S) AS IT IS AMENDED TO READ. (Attach a separate sheet if necessary.)

ARTICLE VI. THIS CORPORATION SHALL HAVE MEMBERS

THE AMENDMENT WAS ADOPTED ON:

JULY 16, 1998

If more than one amendment was adopted, identify the date of adoption of each amendment.)

## BUSINESS/PROFESSIONAL CORPORATION ONLY

### CHECK THE APPROPRIATE STATEMENT

Shareholder action was required to adopt the amendment(s). The vote was as follows:

Class or series of shares	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the board of directors without shareholder action.

The corporation has not issued any shares of stock. Shareholder action was not to adopt the amendment(s). The amendment(s) was adopted by the incorporators or by the board of directors.

## NONPROFIT CORPORATION ONLY

### 5 CHECK THE APPROPRIATE STATEMENT

☒ Membership approval was not required. The amendment(s) was approved by a sufficient vote of the board of directors or incorporators.

☐ Membership approval was required. The membership vote was as follows:

Class(es) entitled to vote	Number of members entitled to vote	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

## Execution

Printed Name

BRIAN WEGENER

Signature

Brian Wegener

Title

PRESIDENT

CONTACT NAME

WILLIAM WEISMANN

DAYTIME PHONE NUMBER

(503) 590-5813

## FEES

Make check for \$10 payable to "Corporation Division"

NOTE: Filing fees may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 6 1993

TUALATIN RIVERKEEPERS  
16340 SW BEEF BEND RD  
SHERWOOD, OR 97140-7411

Employer Identification Number:  
94-3184499  
DLN:  
17053059783028  
Contact Person:  
D. A. DOWNING  
Contact Telephone Number:  
(513) 241-5199  
Our Letter Dated:  
September, 1993  
Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

  
District Director

Letter 1050 (DO/CG)

## BYLAWS

### TUALATIN RIVERKEEPERS

#### ARTICLE I. GENERALLY.

Section 1.1 Name: The name of this non-profit, public benefit Corporation is the Tualatin Riverkeepers, hereinafter referred to as "Riverkeepers".

Section 1.2 Purpose: The primary purpose of the Riverkeepers is to create, establish, and provide an independent non-profit educational resource to promote the educational, scientific, historical and recreational aspects of the Tualatin River and its watershed.

#### ARTICLE II. MEMBERSHIP.

Section 2.1 Generally: Members of the Riverkeepers may be individuals, families, partnerships, corporations, public agencies, and other like organizations. For other than individual or family memberships, the Member shall designate in writing a primary and alternate representative for the purpose of participating in ongoing Riverkeepers' business and management activities, such as service on the Board of Directors and voting at the Annual Meeting. The Riverkeepers' membership year shall run from January 1 to December 31, although any person may become a Member at any time, and upon payment of dues receive the privileges of membership for one (1) full year. Each Member whatever their classification shall have only one (1) vote on any matter of Riverkeepers' business subject to consideration of the Membership.

Section 2.2 Membership Categories and Dues: Membership categories and dues shall be generally set by the Board of Directors, except as herein otherwise provided, and may be reviewed and amended at the Annual Meeting.

#### ARTICLE III. MEMBERSHIP MEETINGS

Section 3.1 Annual Meeting: The Annual Meeting of the Riverkeepers shall be held once each year at a time and place to be determined by the Board of Directors. The business of the Annual Meeting shall include election of Directors, and such other business as may come before the Meeting. The Annual Meeting shall occur within thirty (30) days of **December 31**, the close of the Riverkeepers' membership and fiscal year. Written notice of the exact time, date and place of the Annual Meeting shall be mailed to all Members not less than five (5) days nor more than thirty (30) days in advance of the meeting.

Section 3.2 Special Meetings: Special Meetings of the Riverkeepers shall be called upon formal motion approved by a majority of the Board of Directors, or upon written request by ten (10) Members in good standing. Special Meetings may also be called under the circumstances described in Section 4.4 of these Bylaws. Such requests shall state the purpose of such Special Meeting. The time, date, and place of such Special Meetings shall be set by the Board of Directors, and notice shall be mailed or telephoned to all Members not less than five (5) days nor more than thirty (30) days in advance of the Special Meeting.

Section 3.3 Quorum: A quorum of Members at the Annual or any Special Meeting shall consist of ten (10) Members, including members of the current Board of Directors.

Section 3.4 Proxies: Members entitled to vote on any matter before the Riverkeepers may vote by proxy. The proxy shall be signed and in writing and specific as to the issue or motion to which the proxy applies. The proxy shall be revocable at the pleasure of the Member executing it at any time. Unless the duration of the proxy is specified by the Member for a shorter period, it shall be invalid after three hundred sixty four (364) days from the date of its execution, or upon completion of voting upon the specific matter to which the proxy is addressed.

#### ARTICLE IV.

##### DIRECTORS AND OFFICERS:

Section 4.1 Number of Directors: Except as delegated under these bylaws, the Riverkeepers shall be governed by a Board of Directors consisting of eleven (11) individuals, who may be nominated from the floor at the Annual Meeting by and from Members in good standing. Directors shall be elected by a majority vote of those Members attending the Annual Meeting. All members of the Board shall be Members of the Riverkeepers in good standing.

Section 4.2 Director's Terms: The terms of office of the Board of Directors shall be three (3) years provided, however, that the initial terms of office shall be staggered with three (3) Director positions being for one (1) year, three (3) positions for two (2) years, and three (3) positions for three (3) years. No member may serve more than three (3) consecutive full terms on the Board of Directors. The current Board and Directors, as established under prior Riverkeepers Bylaws, shall continue to serve until December 31, 1994.

Section 4.3 Vacancies: In the event of a vacancy on the Board of Directors created by resignation, removal from office, or other circumstances, the remaining Directors, by majority vote, shall fill said vacancy from among Members in good standing until the next Annual Meeting, at which time the position shall be filled for the unexpired term as per Section 4.1.

Section 4.4 Removal from Office: Any Director absent for more than three (3) consecutive regular meetings of the Board, without having been excused by the remaining Directors by majority vote, shall be removed from office and the vacancy filled as per Section 4.3. The Board may also, by majority vote, remove any Director for failing to adequately and properly discharge their duties as a Director and fill said vacancy as per Section 4.3, provided however that said removed Director shall have the right to ask for and receive reconsideration of their removal at a Special Meeting where a quorum of Members present may reverse the Board's decision. In a like manner, any Member may have their privileges of membership suspended or revoked, and may appeal such suspension.

Section 4.5 Officers: The Board of Directors shall select a President, Vice-President, Secretary and Treasurer from among its members. Members so elected shall serve a term of one (1) year and may be re-selected for an indefinite number of terms, subject only to the limitations of Section 4.2.

- (a) The President shall preside at all Board meetings, at the Annual Meeting, and any Special Meetings; and shall be generally responsible for the day-to-day coordination of the Riverkeepers' business.
- (b) The Vice-President shall serve in the President's place in his or her absence, and shall succeed to the Presidency for the balance of his or her unexpired term in the event of resignation or termination.
- (c) The Secretary shall be responsible for making and keeping all records of the Riverkeepers' business and membership activities; and for making all notifications required by these Bylaws.
- (d) The Treasurer shall be responsible for keeping the Riverkeepers' non-profit corporate and tax status current; for keeping an account of all assets and moneys received and expended for the use of the Riverkeepers; and shall make disbursements approved by the Board of Directors. The Treasurer shall deposit all sums received in a bank or banks, approved by the Board of Directors, and make a fiscal report at the Annual Meeting or when called upon by the President. The funds, books, and vouchers in the Treasurer's hands shall at all times be under the supervision of the Board of Directors and subject to their inspection and control. At the expiration of the Treasurer's term of office, he or she shall deliver over to his or her successor all books, moneys, and other property of the Riverkeepers, or in the absence of a Treasurer-Elect, to the Riverkeepers' President.

## ARTICLE V.

### BOARD MEETINGS.

Section 5.1 Board Meetings: Meetings of the Board of Directors shall be held at such time and place as the Board determines, provided that there shall be at least four (4) meetings of the Board annually, one of which may be held in conjunction with the Annual Meeting. The Board may establish a set time and day of the month or quarter for its meetings and once the Membership has been so notified in writing, no further notice of regular Board meetings shall be required. It shall be the responsibility of all Members to inquire as to the location of regular Board meetings, which may change at the Board's discretion.

Section 5.2 Special Board Meetings: If the day or time of the regular Board of Directors meeting changes, or a special Board meeting is called, all Members must be so notified in writing. Special meeting notifications shall include the location and purpose of said meeting.

Section 5.3 Quorum: A quorum of the Board of Directors shall consist of a majority of the Directors immediately in office before the meeting begins.

ARTICLE VI. COMMITTEES.

Section 6.1 Committee Appointment: The Board of Directors may at its discretion create committees to facilitate the discharge of the Riverkeepers' business. The Board of Directors shall determine the purpose, size, duration and membership of said committees, which may, if deemed appropriate by the Board, include individuals who are not Members of the Riverkeepers. All committees shall act in an advisory capacity to the Board. The Board may disband or restructure committees at its discretion, as well as appoint or remove committee members at will.

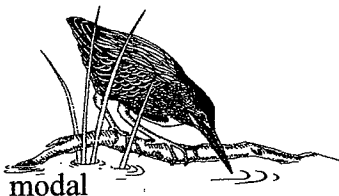
ARTICLE VII. FISCAL POLICIES.

Section 7.1 Fiscal Year. The Riverkeepers' fiscal year shall be **July 1 to June 30.**

ARTICLE VIII. BYLAW AMENDMENTS.

Section 8.1: These Bylaws may be amended, repealed, or altered in whole or in part by a majority vote of at least ten (10) Members at any duly called Annual or Special Meeting. The proposed change shall be mailed to the last recorded address of each Member at least ten (10) days before the time of the meeting which is to consider the change.





## Tualatin Riverkeepers



12360 SW Main St. Suite 100 Tigard, OR 97223

phone: (503) 620-7507 · fax: (503) 620-7645 [www.tualatinriverkeepers.org](http://www.tualatinriverkeepers.org)

email: [info@tualatinriverkeepers.org](mailto:info@tualatinriverkeepers.org)

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Feb. 3, 2006

Tom Imdieke  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Dear Mr. Imdieke:

Enclosed please find Tualatin Riverkeepers' event funding application for 2006-07. We respectfully request a grant of \$4,000 to support our 2006-2007 Trips and Tours program.

This year we are especially excited to expand our activities and outreach in the Tigard community as we are now located in the heart of the City at 12360 SW Main Street (right behind Manila Express). One new event will be in collaboration with Audubon Society of Portland, a multi-modal peddle/paddle along Fanno Creek Trail and the Tualatin River.

Please know that we are indeed grateful for the generous support the City of Tigard has provided over a number of years. Your support has been very important allowing us to build a very effective low cost recreational program.

Also included with our application is a copy of our most recent audit for 2004-05 which included actual revenue and expenses, a copy on our most recent financial statement which includes the 2005-06 adopted budget. We have not yet developed a proposed budget 2006-07 budget as it will be developed and adopted in June 2006.

Again, thank you very much for the support to connect the community to the beautiful Tualatin River.

Best regards,

Sue Marshall  
Executive Director  
Tualatin Riverkeepers

# Tualatin Valley Community Band FY-2006 Community Event Funding Request

**Event Name:** Tualatin Valley Community Band - <http://www.tvcb.gen.or.us>  
**Address:** P.O. Box 230773, Tigard, Oregon 97281-0773  
**Contacts:** Phil Pasteris, Board President, 639-9740 (h), 414-3058 (w), [p.pasteris@verizon.net](mailto:p.pasteris@verizon.net)  
Steve Heuser, Music Director, 691-1446 (h), 691-9700 (w) [steve.heuser@verizon.net](mailto:steve.heuser@verizon.net)

## 1. Request

<b>Cash</b>	\$2,000
<b>In-kind Services</b>	Use of the Bishop-Scheckla Structure for weekly rehearsals and free public summer concerts.
<b>Total Request</b>	\$2,000

## 2. Purpose of Funding Request:

The primary purpose of our request is to support the costs associated with providing high quality and live music to the members of the Tigard community. The TVCB is requesting a grant of \$2,000 this year, the same amount as last year, in order to continue to perform public concerts in high quality facilities available in the Tigard community.

The Tualatin Valley Community Band (TVCB) is a State of Oregon recognized nonprofit organization with a three-fold mission (1) to provide high quality, live, public music performances for civic and educational functions, (2) to provide an opportunity for musicians of all ages and ethnic backgrounds to perform music, and (3) to foster music education by providing individual scholarships and donations to music education programs. TVCB was formed in 1989 and has been under the direction of Steve Heuser since 1991. TVCB has approximately 65 members, member ages ranging from teens to 70s.

The requested funds requested from the City of Tigard would be used as follows (see Adopted Budget for details):

• Tigard/Tualatin High School Auditorium rental, 2 free concerts @ \$600/concert.....	\$1,200
• Music scores, funds matched by TVCB, approximately 6 music scores.....	\$200
• Liability insurance to perform free public concerts in Tigard .....	\$600
<b>Total Request</b>	<b>\$2,000</b>

## 3. How will this event benefit the Tigard Community?

TVCB provides Tigard with public concerts that raise the awareness of Arts in our community. TVCB also supports the Tigard-Tualatin school system by providing students a no-cost opportunity to participate and extend their training by participating in a musical organization during non-school hours. During 2005, the TVCB provided several free public events in the Tigard - Portland metropolitan area:

1. Spring Concert, Tigard High School April 17, 2005
2. Tigard Volunteer Recognition, Tigard Library, June 24, 2005
3. Tigard 4th of July Celebration, Tigard High Football Stadium
4. Tigard Cook Park Summer Concert, July 31, 2005

**Tualatin Valley Community Band FY-2006  
Community Event Funding Request**

**5. TVCB Winter Concert, Tigard Library, December 11, 2005**

The TVCB plans to expand its performance schedule in 2006, making use of new library facilities to schedule concerts. Our rehearsals are open to the public in Cook Park every Tuesday evening during the summer.

**4. How Many Tigard residents do you anticipate participating in these events?**

Several thousand Tigard residents attend the Fourth of July concert; several hundred attend each of our indoor concerts and our July Cook Park concerts. Our publicity committee works closely with the City of Tigard and all media outlets to publicize upcoming concerts. We are actively searching for opportunities to perform for school and city events.

**Tualatin Valley Community Band FY-2006  
Community Event Funding Request**

**5. Financial Information**

**5.a.1 FY-2005 Actual Expenditures**

TVCB 2005 YTD Income & Expense  
05/01/01 Through 05/12/31

06/01/08

Page 1

Category Description	05/01/01- 05/12/31
<b>INCOME</b>	
CD Sales	187.00
Donations	3,011.00
T-Shirt Sales	215.00
<b>TOTAL INCOME</b>	<b>3,413.00</b>
<b>EXPENSES</b>	
Ads	271.48
Business Tax	50.00
CD Cost	50.00
Donations Paid	50.00
Entry Fees	125.00
Finance Charge	3.16
Insurance	588.00
Music	495.00
Office Supplies	4.20
P O Box Rent	38.00
Printing	111.50
Rent Paid	826.00
Signage	18.67
T-Shirt Cost	186.00
<b>TOTAL EXPENSES</b>	<b>2,817.01</b>
<b>OVERALL TOTAL</b>	<b>595.99</b>

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# Tualatin Valley Community Band FY-2006 Community Event Funding Request

## 5.a.2 FY-2006 TVCB Proposed and Adopted Budget - 2006/1/10

### INCOME

CD Sales	100.00
Donations	3,050.00
T-Shirt Sales	75.00
From Scholarship fund	900.00
From Sheet Music Svc	00.00

TOTAL INCOME	4,125.00
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### EXPENSES

Ads -Publicity/Printing	200.00
Business Tax	50.00
CD Costs	60.00
Entry Fees	125.00
Rehearse Rental TTSD	150.00
Insurance	600.00
Office Supplies	5.00
P O Box Rent	38.00
Postage	5.00
Rent Paid (Concerts)	1,200.00
Shipping	5.00
T-Shirt Cost	200.00
TO Scholarship Fund	300.00
TO Sheet Music Svc	700.00

TOTAL EXPENSES	3,638.00
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TOTAL INCOME - EXPENSES	487.00
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### Notes as follows:

1. Rent Paid: Tigard-Tualatin School District auditorium rental costs are budgeted for two at \$600.00 per performance.
2. Scholarship: Amounts distributed based on amount available and will not exceed \$300 per individual. One scholarship projected in FY-2006.
3. Cash balances as follows: 1/1/2004 \$4,382.24, 12/31/2004 \$5,440.11.
4. Major revenue sources for 2005 were the City of Tigard \$2,000, Tigard 4<sup>th</sup> of July Committee \$200, concert donations \$900. The Saxton Scholarship Fund received \$2,060.
5. Major expenditures were for auditorium rental \$826, liability insurance \$588, Music \$495, and printing \$272.
6. Authorized positions are as follows: Phil Pasteris, President; Tim Roberts, Secretary; Lee Boekelheide, Treasurer. Board Members include Steve Heuser, TVCB Music Director Robert Shannon, Associate Director, Chris Lewis, Librarian, Phil DeLuca, Dave Nelson, Dave Nottke, and Ken Scheckla. New members for 2006 include Barry Albertson and Dan Golden. All positions are uncompensated.

# Tualatin Valley Community Band FY-2006 Community Event Funding Request

## 5.b Financial Statements

The TVCB FY-2005 check register from Quicken is presented.

### TVCB 2005 Register

Page 1

Checking							Page 1
06/01/15							
Date	Num	Transaction	Payment	C	Deposit	Balance	
05/01/08	DEP	Various		R	162.00	7,702.11	
		Donations			100.00		
		Heuser					
		CD Sales			62.00		
05/01/11	416	Dave Nelson	111.50	R		7,590.61	
		memo: concert 12 Dec					
		Printing	73.50				
		posters					
		Printing	38.00				
		postcards					
05/01/17	417	Sheet Music Service of Port...	241.20	R		7,349.41	
		memo: cust 58680					
		[Sheet Music Svc]	80.00				
		193705					
		[Sheet Music Svc]	160.00				
		197103					
		Finance Charge	1.20				
05/01/17	418	Postmaster	38.00	R		7,311.41	
		memo: 230773					
		cat: P O Box Rent					
05/01/17	419	Phil Pasteris	32.96	R		7,278.45	
		memo: Tigard Times ad for concert...					
		cat: Ads					
05/01/17	420	Community Newspapers	65.92	R		7,212.53	
		memo: Tigard Times ad for concert...					
		cat: Ads					
05/01/17	421	Oregon Corporation Division	50.00	R		7,162.53	
		memo: #444948-88 2005					
		cat: Business Tax					
05/01/18	422	Tigard Tualatin School Dist...	50.00	R		7,112.53	
		memo: dep Deb Fennell 17 Apr					
		cat: Rent Paid					
05/02/01	423	Tigard Tualatin School Dist...	232.00	R		6,880.53	
		memo: inv 2278 balance Deb Fennel...					
		cat: Rent Paid					
05/04/18	DEP	Cash		R	258.00	7,138.53	
		memo: Spring Concert 17 April					
		cat: Donations					

**Tualatin Valley Community Band FY-2006  
Community Event Funding Request**

05/05/06 DEP	Cash memo: CD receipts cat: CD Sales	R	75.00	7,213.53
05/05/11 424	Tigard Tualatin School Dist... memo: inv 2289 balance Deb Fennel... cat: Rent Paid	469.00 R		6,744.53
05/05/11 425	Sheet Music Service of Port... memo: cust 58680, inv 205267 cat: [Sheet Music Svc]	149.20 R		6,595.33
05/05/11 426	Jamie DeLuca memo: 2004-2005 Saxton Scholarship cat: [Scholarshp Fund]	300.00 R		6,295.33
05/05/11 427	Gary Meads memo: 2004-2005 Saxton Scholarship cat: [Scholarshp Fund]	300.00 R		5,995.33
05/05/11 428	Callie Jarmer memo: 2004-2005 Saxton Scholarship cat: [Scholarshp Fund]	300.00 R		5,695.33
05/05/20 429	Community Newspapers memo: Tigard Times ad for concert... cat: Ads	65.92 R		5,629.41
05/05/20 430	Robert Haas memo: concert 17 Apr cat: CD Cost	50.00 R		5,579.41
05/05/20 431	Safeco Insurance memo: thru 5/16/06 cat: Insurance	588.00 R		4,991.41
05/05/22 DEP	? cat: [Scholarshp Fund]	R	60.00	5,051.41
05/07/07 DEP	City Of Tigard memo: annual donation 2005-2006 cat: Donations	R	2,000.00	7,051.41
05/07/19 DEP	Tigard 4th Of July cat: Donations	R	200.00	7,251.41
05/07/19 DEP	Sheldon Weiss cat: T-Shirt Sales	R	15.00	7,266.41
05/08/01 DEP	T Shirts T-Shirt Sales cash Kari Wooten T-Shirt Sales cash Betty Bolton T-Shirt Sales cash Chris Hutchison T-Shirt Sales	R	200.00 15.00  15.00  20.00 15.00	7,466.41

**Tualatin Valley Community Band FY-2006  
Community Event Funding Request**

	cash Samantha Rorich			
	T-Shirt Sales		20.00	
	cash Dennis Hutchison			
	T-Shirt Sales		20.00	
	cash Scott Mitchell			
	T-Shirt Sales		15.00	
	cash Katie Miller			
	T-Shirt Sales		20.00	
	cash John Cherry			
	T-Shirt Sales		15.00	
	cash - Melissa Womer			
	T-Shirt Sales		15.00	
	#2048 S R Anderson			
	T-Shirt Sales		15.00	
	#1378 Gary Vallens			
	T-Shirt Sales		15.00	
	#5634 Alayna Schoblaske			
05/08/15 DEP	Cash	R	32.00	7,498.41
	memo: CD receipts			
	cat: CD Sales			
05/08/30 432	Sheet Music Service of Port...	115.83 R		7,382.58
	memo: cust 58680, inv 206128, 209832			
	[Sheet Music Svc]	55.00		
	206610 Flute Cocktail			
	[Sheet Music Svc]	60.00		
	209832 Barnum & Bailey somethi			
	Finance Charge	0.83		
05/08/30 433	Lone Mountain Sportswear	186.00 R		7,196.58
	memo: 12 T shirts			
	cat: T-Shirt Cost			
05/08/30 434	Phil DeLuca	18.67 R		7,177.91
	memo: reimb for TVCB banner			
	cat: Signage			
05/08/30 435	Community Newspapers	71.12 R		7,106.79
	memo: Tigard Times ad for summer ...			
	cat: Ads			
05/10/13 436	City Of Tigard	175.00 R		6,931.79
	memo: dep Library concert 11 Dec			
	cat: Rent Paid			
05/11/16 437	Sheet Music Service of Port...	76.13 R		6,855.66
	memo: cust 58680, inv 212012			
	[Sheet Music Svc]	75.00		
	212012 Winds from the Prairie			
	Finance Charge	1.13		
05/11/16 438	Eugene Symphonic Band	125.00 R		6,730.66
	memo: 21st Annualk Adult Band Fes...			
	cat: Entry Fees			
05/11/30 439	Twality Band	50.00		6,680.66
	memo: reimburse for music			



**Tualatin Valley Community Band FY-2006  
Community Event Funding Request**

cat: Donations Paid

05/12/10 DEP	Cash	18.00	6,698.66
	memo: CD receipts		
	cat: CD Sales		
05/12/12 DEP	Donations From Concert 11 Dec	453.00	7,151.66
	Donations	10.00	
	Ducloux		
	Donations	25.00	
	Morris		
	Donations	25.00	
	Porter		
	Donations	150.00	
	Friesen		
	Donations	50.00	
	Ross		
	Donations	193.00	
	cash		
05/12/13 440	Community Newspapers	35.56	7,116.10
	memo: Tigard Times ad for summer ...		
	cat: Ads		
05/12/26 DEP	City Of Tigard	100.00	7,216.10
	memo: refund dep concert 11 Dec		
	cat: Rent Paid		

**Tualatin Valley Community Band FY-2006  
Community Event Funding Request**

**5.c Articles of Incorporation**

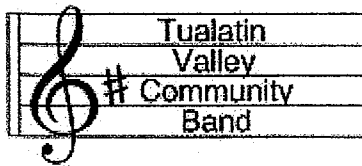
Articles of Incorporation are on file with the City of Tigard. No changes were made during FY-2005

**5.d 501(c)(3) Status**

TVCB obtained a federal tax-exempt designation on November 21, 2001 and is on file at the City of Tigard. The TVCB Employer Identification Number is 93-1168909 and our DLN Number is 17053299033021.

**5.e Organizational Bylaws**

Bylaws are on file with the City of Tigard. No changes were made during FY-2005



*Tualatin Valley Community Band*  
*P.O. Box 230773*  
*Tigard, OR 97281-0773*

January 30, 2006

Mr. Tom Imdieke  
Interim Finance Director  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

**REC'D/TIG** FEB 02 2006

Dear Mr. Imdieke,

I am pleased to submit our 2006 community events funding request to the City of Tigard. I believe the material provided is complete. If you have any questions about the content of this application, do not hesitate to contact me at 503-414-3058 or [p.pasteris@verizon.net](mailto:p.pasteris@verizon.net).

I look forward to working with you and the City to continue our Band's tradition of serving the Tigard Community with quality live musical performances and community services.

Sincerely,

Phil Pasteris  
President, Tualatin Valley Community Band

Cc: Tualatin Valley Community Band Board of Directors, TVCB, P.O. Box  
97281-0773, Tigard, OR

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Regulation of Payday Lending Businesses

PREPARED BY: Robert Sesnon DEPT HEAD OK RMS CITY MGR OK edmgwcp

ISSUE BEFORE THE COUNCIL

The Mayor requested that staff research and bring forward for discussion possible regulations of payday lending businesses within the City of Tigard.

STAFF RECOMMENDATION

Provide staff with direction whether or not to proceed with drafting an ordinance regulating payday lending businesses.

INFORMATION SUMMARY

Over the past several years there has been a significant increase in the number of payday lending businesses. Such businesses provide short-term loans to borrowers, typically 14 days, which coincide with the borrower's next paycheck. A typical fee charged for such loans is \$20 per \$100 loaned. If the borrower is unable to repay the loan in full they are given the option of rolling over the loan for an additional \$20 per \$100. Current state law limits the number of rollovers to three for each loan.

The fees charged amount to an annual percentage rate of over 500%. For example, an individual borrowing \$300 and rolling this amount over for the maximum three times would incur fees of \$240, or 521% APR.

The Oregon State Legislature has yet to address this issue. However, according to a recent article in the Oregonian newspaper (attachment A), House Speaker Minnis has indicated a desire to have the Legislature adopt regulations on the payday loan industry. Several measures on this topic have been proposed in the Washington Legislature but none have made it out of committee.

As a direct result of inaction at the state level, at least three Oregon municipalities have enacted similar ordinances regulating the payday lending industry and provide for, among other things, the following:

- Restricts a payday lender from renewing a loan unless 25% or more of the principal plus accrued interest is first repaid.
- Allows a borrower to cancel a loan, without charge, by the close of business the following day.
- Provides that payday lenders must provide payment plans for borrowers who cannot repay the loan after being renewed the maximum number of times.
- Provides for penalties for violations of the ordinance.

Current state law does not allow jurisdictions to limit the rate of interest that payday lenders may charge.

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OTHER ALTERNATIVES CONSIDERED

The Council may wish to take no action now and instead wait for legislation to be enacted at the state level.

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COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

This agenda item does not address or affect any Council Goals or Tigard Beyond Tomorrow Vision Goals, Strategies, or Action Plan items

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ATTACHMENT LIST

1. Article reprint from the Portland Oregonian newspaper, "*Minnis advocates pay-day loan compromise*" dated March 2, 2006
2. City of Portland ordinance No. 179948 and related municipal code section
3. City of Gresham ordinance

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FISCAL NOTES

None

**Minnis advocates payday-loan compromise****Legislature - The House Speaker says it is better that rules be statewide rather than on a city-by-city basis**

Thursday, March 02, 2006

**BILL GRAVES**

House Speaker Karen Minnis, R-Wood Village, wants the Legislature to adopt new regulations on the payday loan industry if lawmakers meet for a special session this year.

Minnis, whom some blame for killing proposed legislation to regulate payday lenders in the last session, said in a statement Wednesday that she is concerned some cities are looking at regulating payday lenders. It would be better if the Legislature addressed the issue so regulations would be consistent statewide, she said.

Some legislators are discussing a possible special session to deal with a gap in the Department of Human Services' budget.

Last week, Portland adopted a law to regulate short-term lenders, which commonly charge more than 500 percent annual interest on small loans. Gresham and Troutdale, both in Minnis' district, are planning to vote this month on laws to regulate lenders.

Critics questioned Minnis' motives, noting she has accepted large contributions from the payday-lending industry and has repeatedly opposed bills to regulate it.

Minnis said her goal was "to reach a consensus with my colleagues in the Senate on a compromise that would provide uniform protections for our consumers while still making loans available to the thousands of Oregonians who use them."

Payday lenders give borrowers short-term advances on their paychecks, commonly charging \$20 for each \$100 they lend. On a typical two-week loan, that translates into a 521 percent annual interest rate. If the borrower cannot pay, the lender will extend or roll over the loan for another two weeks for an additional \$20. So after three rollovers allowed by state law, the borrower pays \$240 in interest alone on a \$300 loan.

Critics say payday lenders trap low-income and elderly borrowers by driving them to borrow from a second lender to pay the first, a third to pay the second and so on until they are in hopeless debt.

Rep. Jeff Merkley, D-Portland, said that Minnis' call for a special session is meaningless unless she's willing to adopt real regulations that curb interest rates and give trapped borrowers the option of setting up payment plans.

Her "vague call" for action is "a thinly veiled effort, on behalf of the payday-loan industry that has supported her, to prevent real reform currently being considered by local communities," he said.

"Faced with a growing number of city ordinances and a likely ballot initiative, the speaker has chosen to pre-empt local governments and distract reformers from going to the ballot," said Merkley.

Patty Wentz, spokeswoman for Our Oregon, a progressive group pushing an initiative for the Nov. 7 ballot that would limit annual interest on payday loans to 36 percent, questioned what Minnis means by striking a compromise.

"Given the fact the House took no action on payday loan reform in the last session, we're pretty skeptical," she said.

Jon Isaacs, executive director of Future Pac, a campaign committee to elect Democrats to the state Houses, speculated that Minnis was responding to a letter that residents in her district received Wednesday announcing a new group called East County Citizens for Fair Lending Practices. The letter, signed by Paul Warr-King a Gresham city councilor, and Rob Brading, a Democrat challenging Minnis for her House seat,

warns that payday lenders are multiplying in east Multnomah County and "we have a moral obligation to do something immediately to protect the families."

But Charles Deister, spokesman for Minnis, who was not available, said she has not seen the letter.

He said Minnis has long recognized a need to address the payday loan issue, which is why she appointed an interim committee for that purpose. She saw a need to move faster, said Deister, when cities started taking action on their own.

Minnis faces a potentially tough and costly re-election this November, with national and local Democrats making no secret about targeting her. They argue that she smothered floor votes on significant bills last session, including a proposal allowing civil unions. The east Multnomah County district also has more registered Democrats than Republicans. Brading ran against her two years ago and won 46 percent of the vote.

Janie Har of The Oregonian staff contributed to this report. Bill Graves: 503-221-8549; [billgraves@news.oregonian.com](mailto:billgraves@news.oregonian.com)

**ORDINANCE No. 179948 AS AMENDED**

\* Provide for regulation of payday lending practices that occur in the City of Portland (Ordinance; add Code Chapter 7.26).

The City of Portland Ordains:

Section 1. The Council finds:

1. The Charter of the City of Portland, Section 2-105 (a) 17 provides for licensing and regulation of businesses operating in the City of Portland. Payday lenders previously have not been subject to regulatory licensing by the City of Portland.
2. These businesses should be regulated by the City of Portland because certain payday lending practices have proven detrimental to the financial security of individuals and families residing in the City. Payday lending practices often have an unreasonably adverse effect upon the elderly, the economically disadvantaged and other residents of the City. Frequently, taking a payday loan puts borrowers in much worse financial shape than before they took the loan.
3. Payday loans are short-term loans, typically for an initial term of 14 days or less, coinciding with the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan. These fees amount to annual interest rates which exceed five hundred percent. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14-day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum. By the end of the state's statutory limit on the number of loan renewals, currently limited to three renewals, borrowers will pay fees which nearly equal the original amount borrowed and may not be able to repay the principal originally borrowed. In the absence of significant state regulation, it has fallen upon local governments to act to protect working families.
4. Therefore, the purpose of this ordinance is to require licensing for the purpose of regulating certain payday lending practices to minimize the detrimental effects of such practices on the citizens of the City by regulating payday lending practices occurring in the City, consistent with the laws of the State of Oregon.
5. The need for local regulation is critical to protecting the short and long-term financial security of working citizens struggling to lift their families out of poverty. Unfortunately, Council is unable to enact interest rate caps, due to the limitations of state law. If Council were able to enact interest rate caps on payday loans, Council would enact such regulation. Council, therefore, calls upon state regulators to enact such caps to further protect citizens.



6. The Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance, or the amendments to the Portland City Code it adopts is for any reason held to be invalid or unconstitutional the validity of the remaining portions of the Portland City Code, including but not limited to the City's Payday Lending regulations shall not be affected. Council declares that it would have adopted the City's Payday Lending regulations as provided by Exhibit A to this Ordinance, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases of this Ordinance may be found to be preempted, invalid or unconstitutional.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 7.26 Payday Lending is added, as provided in Exhibit A.

Section 2. The Council declares that an emergency exists because the financial security of many Portland families is in jeopardy due to the lending practices of certain Payday Lenders; therefore, this ordinance shall be in full force and effect from and after its passage by Council. However, Payday Lenders will have 60 days to receive a license, and no civil penalties will be enforced for 60 days.

**Passed by the Council, February 22, 2006**

Commissioner Dan Saltzman  
Prepared by Shannon Callahan  
February 22, 2006

**GARY BLACKMER**  
Auditor of the City of Portland  
By /S/Susan Parsons  
Deputy

BACKING SHEET INFORMATION

AGENDA NO. 231-2006

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 179948 AS AMENDED

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	-----	-----
POTTER	X	

**Exhibit A**

**CHAPTER 7.26**

**REGULATION OF PAYDAY LENDING**

**Sections:**

- 7.26.010 Purpose
- 7.26.020 Definitions
- 7.26.030 Permits
- 7.26.040 Administrative Authority
- 7.26.050 Payment of Principal Prior to Payday Loan Renewal
- 7.26.060 Cancellation of Payday Loan
- 7.26.070 Payment Plan for a Payday Loan
- 7.26.080 Remedies
- 7.26.090 Appeals
- 7.26.100 Complaints
- 7.26.110 Severability

**7.26.010 Purpose**

The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to cancel a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This Chapter shall be construed in conformity with the laws and regulations of the State of Oregon.

**7.26.020 Definitions**

As used in this Chapter unless the context requires otherwise:

- A. "Borrower" means a natural person who receives a payday loan.
- B. "Cancel" means to annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.
- C. "Director" means the Director of the Revenue Bureau.
- D. "Payday Lender" means a "lender" in the business of making payday loans as defined in ORS 725.600(2).
- E. "Payday Loan" means a payday loan as defined by state law.
- F. "Principal" means the original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.

#### 7.26.030 Permits

Within 60 days of the effective date of the ordinance enacting this Chapter, any Payday Lender operating in the City of Portland shall apply for and obtain a permit to operate as a Payday Lender. Permits shall be required for each location a lender operates in the City of Portland and shall be renewed annually. The application shall be in a form to be determined by the Director. The Director shall require the Payday Lender to report its fee schedule in the Payday Lenders permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Portland. The annual cost for the permit shall be \$1,500.00, payable to the City of Portland; this permit is in addition to the City of Portland business license required by PCC 7.02.

#### 7.26.040 Administrative Authority

- A. The Director is authorized and directed to enforce all provisions of this Chapter. The Director shall have the power to investigate any and all complaints regarding alleged violations of this Chapter. The Director may delegate any or all authority granted under this Section to any Revenue Bureau officer, employee or agent.
- B. The Director is authorized to adopt and enforce administrative rules interpreting and applying this Chapter. The Director or designee shall make written findings of fact and conclusions of law to support all decisions.
- C. Prior to adoption of a new administrative rule, the Director shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.
  - 1. At the public hearing, the Director or designee shall hear oral and written testimony concerning the proposed rule. The Director shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to hear evidence, and to preserve order.
  - 2. The Director shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.
  - 3. Unless otherwise stated, all rules shall be effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Revenue Bureau and the Office of the City Auditor in compliance with PCC 1.07.030. Copies of all current rules shall be available to the public upon request.
  - 4. Notwithstanding subsections 1 and 2 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules shall detail the specific

reasons for such prejudice. Any interim rule adopted pursuant to this paragraph shall be effective for a period not to exceed 180 days.

- D.** Inspection of Records. The City of Portland reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Director or its designee.

**7.26.050 Payment of Principal Prior to Payday Loan Renewal**

A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

**7.26.060 Cancellation of Payday Loan**

- A.** A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:
- 1.** Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and
  - 2.** Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.
- B.** A Payday Lender shall disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.

**7.26.070 Payment Plan for a Payday Loan**

- A.** A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.
- B.** A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after the maximum amount of renewals allowed by state law. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.
- C.** After a Payday Loan has been renewed to the maximum amount allowed by state law, and prior to default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.

- D. The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.
- E. The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for early payment on the payment plan.
- F. A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Chapter. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Chapter.

#### 7.26.080 Remedies

- A. Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Director may impose a civil penalty of up to \$1500.00 for a substantial violation of this Chapter or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.
- B. Civil penalties shall be payable to the City of Portland.
- C. Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.
- D. No civil penalties shall be assessed within 60 days of the effective date of this ordinance.

#### 7.26.090 Appeals

Any person upon whom a civil penalty has been imposed, or who has been directed by the Director to resolve a complaint, may appeal to the Code Hearings Officer pursuant to the provisions of Chapter 22.10 of this Code.

#### 7.26.100 Complaints

The Director shall have the authority to investigate any and all complaints alleging violation of this Chapter or administrative rules.

- A. The Director may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Director shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.

- B. The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Director by telephone or in writing within two (2) business days from initial contact by the Director.
- C. If the proposed resolution is satisfactory to the Director, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Director.
- D. If the proposed resolution is not satisfactory to the Director, the Director shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided by PCC 7.26.080. In the event of imposition of remedies, the Payday Lender may appeal as provided by PCC 7.26.090.

#### 7.26.110 Severability

If any provision of this Chapter, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Chapter and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Chapter shall be severed.

COUNCIL MEETING

CITY OF GRESHAM

DATE: March 7, 2006ITEM NO.: E-1TITLE: FIRST READING OF COUNCIL BILL 10-06 AMENDING THE GRESHAM REVISED CODE, CHAPTER 9, BUSINESS, ESTABLISHING REGULATIONS ON PAYDAY LENDINGITEM: Gresham Revised Code Chapter 9 provides for licensing and regulation of businesses operating in the City of Gresham. Payday lenders previously have not been subject to regulatory licensing by the City of Gresham.

These businesses should be regulated by the City because certain payday lending practices have proven detrimental to the financial security of individuals and families residing in the City. Payday lending practices often have an unreasonably adverse effect upon the elderly, the economically disadvantaged and other residents of the City. Frequently, taking a payday loan puts borrowers in much worse financial shape than before they took the loan.

Payday loans are short-term loans, typically for an initial term of 14 days or less, coinciding with the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan. These fees amount to annual interest rates that exceed five hundred percent. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14-day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum. By the end of the state's statutory limit on the number of loan renewals, currently limited to three renewals, borrowers will pay fees that nearly equal the original amount borrowed and may not be able to repay the principal originally borrowed. In the absence of significant state regulation, it has fallen upon local governments to act to protect working families.

The purpose of this ordinance is to require licensing for the purpose of regulating certain payday lending practices to minimize the detrimental effects of such practices on the citizens of the City by regulating payday lending practices occurring in the City, consistent with the laws of the State of Oregon.

The need for local regulation is critical to protecting the short and long-term financial security of working citizens struggling to lift their families out of poverty. Unfortunately, Gresham is unable to enact interest rate caps due to the limitations of state law.

RECOMMENDED COUNCIL ACTION: Move to approve the first reading of Council Bill 10-06 to amend the Gresham Revised Code to establish regulations on Payday Lending.

STRATEGIC GOAL(S); OBJECTIVE MET: ALWAYS USE AND MANAGE CITY RESOURCES EFFECTIVELY AND MAINTAIN FINANCIAL STABILITY.


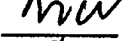
BUDGET/FINANCIAL IMPACT: None at this time.

ADDITIONAL INFORMATION:

David Widmark, City Councilor, 503-618-2232

Miles A. Ward, Senior Assistant City Attorney, 503-618-2304

REVIEWED BY:

CM		CAO		CEDD	N/A	DES	N/A	FES	N/A
		FMS	N/A	HRD	N/A	OGM	N/A	POL	N/A
				OTHER	N/A				
Name / Title									

ATTACHMENTS:

1. Council Bill 10-06



*Commentary is for information only.*

CB 10-06

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE GRESHAM REVISED CODE, CHAPTER 9, BUSINESS,  
ESTABLISHING REGULATIONS ON PAYDAY LENDING**

**The City of Gresham finds:**

A. Gresham Revised Code Chapter 9 provides for licensing and regulation of businesses operating in the City of Gresham. Payday lenders previously have not been subject to regulatory licensing by the City of Gresham.

B. These businesses should be regulated by the City because certain payday lending practices have proven detrimental to the financial security of individuals and families residing in the City. Payday lending practices often have an unreasonably adverse effect upon the elderly, the economically disadvantaged and other residents of the City. Frequently, taking a payday loan puts borrowers in much worse financial shape than before they took the loan.

C. Payday loans are short-term loans, typically for an initial term of 14 days or less, coinciding with the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan. These fees amount to annual interest rates which exceed five hundred percent. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14-day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum. By the end of the state's statutory limit on the number of loan renewals, currently limited to three renewals, borrowers will pay fees which nearly equal the original amount borrowed and may not be able to repay the principal originally borrowed. In the absence of significant state regulation, it has fallen upon local governments to act to protect working families.

D. The purpose of this ordinance is to require licensing for the purpose of regulating certain payday lending practices to minimize the detrimental effects of such practices on the citizens of the City by regulating payday lending practices occurring in the City, consistent with the laws of the State of Oregon.

E. The need for local regulation is critical to protecting the short and long-term financial security of working citizens struggling to lift their families out of poverty. Unfortunately, Gresham is unable to enact interest rate caps due to the limitations of state law. If Council were able to enact interest rate caps on payday loans, Council would enact such regulation. Council, therefore, calls upon state regulators to enact such caps to further protect citizens.

F. The Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance, or the amendments to the Gresham Revised Code it adopts is for any reason held to be invalid or unconstitutional the validity of the remaining portions of the Gresham Revised Code, including but not limited to the City's Payday Lending regulations shall not be affected. Council declares that it would have adopted the City's Payday Lending regulations as provided in Section 2 of this Ordinance, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases of this Ordinance may be found to be preempted, invalid or unconstitutional.

**THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 9, Business, of the Gresham Revised Code is amended to establish regulations on Payday Lending as follows:

	<i>Commentary</i>
<p style="text-align: center;">* * * * *</p>	
<p><b>Article 9.90 REGULATION OF PAYDAY LENDING.</b></p> <p><b>9.90.010 Purpose.</b></p> <p>The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to rescind a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This Chapter shall be construed in conformity with the laws and regulations of the State of Oregon.</p>	<p><i>Payday loans victimize individuals who lack the means to acquire more conventional types of loans. Councilor David Widmark has worked closely with the City of Portland to develop a coordinated regulatory scheme intended to curtail some of the abuses by payday lenders, and provide borrowers a means to repay their debt on fair and reasonable terms.</i></p>
<p><b>9.90.020 Definitions.</b></p> <p>As used in this Article unless the context requires otherwise:</p> <p><b><u>Payday Lender.</u></b> A lender in the business of making payday loans as defined by state law.</p> <p><b><u>Payday Loan.</u></b> A payday loan as defined by state law.</p> <p><b><u>Borrower.</u></b> A natural person who receives a payday loan.</p> <p><b><u>Cancel.</u></b> To annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.</p> <p><b><u>Principal.</u></b> The original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.</p> <p><b><u>Manager.</u></b> The City Manager or designee.</p>	

#### **9.90.030 Permits.**

Within 60 days of the effective date of the ordinance enacting this Article, any Payday Lender operating in the City of Gresham shall apply for and obtain a permit to operate as a Payday Lender. Permits shall be required for each location a lender operates in the City of Gresham and shall be renewed annually. The application shall be in a form to be determined by the Manager. The Manager shall require the Payday Lender to report its fee schedule in the Payday Lender's permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Gresham. The amount of the fee shall be set by council resolution.

*Payday lenders in Gresham are afforded a 60-day phase in period in which to obtain a permit to operate as a Payday Lender.*

#### **9.90.040 Administrative Authority.**

(1) The Manager is authorized and directed to enforce all provisions of this Article. The Manager shall have the power to investigate any and all complaints regarding alleged violations of this Article. The Manager may delegate any or all authority granted under this Section to a designee.

(2) The Manager is authorized to adopt and enforce administrative rules interpreting and applying this Article. The Manager or designee shall make written findings of fact and conclusions of law to support all decisions.

(3) Prior to adoption of a new administrative rule, the Manager shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.

(a) At the public hearing, the Manager or designee shall hear oral and written testimony concerning the proposed rule. The Manager shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to hear evidence, and to preserve order.

(b) The Manager shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.

(c) Unless otherwise stated, all rules shall be effective upon adoption by the Manager. All rules adopted by the Manager shall be filed in the Office of Governance and Management of the City of Gresham. Copies of all current rules shall be available to the public upon request.

*Gresham's proposed ordinance differs from Portland's ordinance by making the City Manager, or designee, responsible for enforcement and administration. Portland gives that authority to the Director of the city's Revenue Bureau.*

<p>(d) Notwithstanding subsections 1 and 2 of this Section, the Manager may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules shall detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph shall be effective for a period not to exceed 180 days.</p> <p>(4) Inspection of Records. The City of Gresham reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Manager or its designee.</p>	
<p><b>9.90.050 Payment of Principal Prior to Payday Loan Renewal.</b></p> <p>A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.</p>	
<p><b>9.90.060 Cancellation of Payday Loan.</b></p> <p>(1) A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:</p> <ul style="list-style-type: none"> <li>(a) Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and</li> <li>(b) Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.</li> </ul> <p>(2) A Payday Lender shall conspicuously disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.</p>	

**9.90.070 Payment Plan for a Payday Loan.**

(1) A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.

(2) A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after the maximum amount of renewals allowed by state law. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

(3) After a Payday Loan has been renewed to the maximum amount allowed by state law, and prior to default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.

(4) The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.

(5) The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for prepayment of the payment plan.

(6) A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Article. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Article.

**9.90.080 Remedies.**

(1) Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Manager may impose a civil penalty of up to \$1,500.00 for a substantial violation of the Article or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.

(2) Civil penalties shall be payable to the City of Gresham.

(3) Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.

*Subsection (4) below provides a 60-day phase in period before any civil penalties can be enforced under this Ordinance. This gives Payday Lenders a reasonable amount of time to change their practices to comply with the requirements of this Ordinance.*



<p>(4) No civil penalties shall be assessed within 60 days of the effective date of this ordinance.</p>	
<p><b>9.90.090 Appeals.</b></p> <p>Any person upon whom a civil penalty has been imposed, or who has been directed by the Manager to resolve a complaint, may appeal by filing a notice of appeal with the Manager, and following all procedures for appeals provided in Chapter 1 of the Gresham Revised Code.</p>	<p><i>Appointment of Hearings Officers will constitute an additional expense to the city.</i></p>
<p><b>9.90.100 Complaints.</b></p> <p>The Manager shall have the authority to investigate any and all complaints alleging violation of this Chapter or administrative rules.</p> <p>(1) The Manager (or designee) may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Manager shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.</p> <p>(2) The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Manager by telephone or in writing within two (2) business days from initial contact by the Manager.</p> <p>(3) If the proposed resolution is satisfactory to the Manager, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Manager.</p> <p>(4) If the proposed resolution is not satisfactory to the Manager, the Manager shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided in GRC 9.90.080. In the event of imposition of remedies, the Payday Lender may appeal as provided by GRC 9.90.090.</p>	
<p><b>9.90.110 Severability.</b></p> <p>If any provision of this Article, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Article and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Article shall be severed.</p>	
<p>*****</p>	

First reading: \_\_\_\_\_

Second reading and passed: \_\_\_\_\_

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Mayor

Approved as to Form:

*Miley Ward*  
Senior Assistant City Attorney

Agenda Item No. \_\_\_\_\_  
For Agenda of \_\_\_\_\_



### *Tigard City Council Meeting Minutes*

Date: February 14, 2006  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session  Commuter Rail Station    Administrative Items	<p>Senior Planner Nachbar referred to the City Council discussion on this item during the January 17, 2006, Council meeting. Council will be asked to approve a resolution to allocate funding for the commuter rail shelter upgrade on the Consent Agenda (Item No. 3.6). The estimated cost is \$91,000.</p> <p>Council reviewed the following with staff:</p> <ul style="list-style-type: none"><li>o Council received a copy of a February 13, 2006, e-mail from Sarah Walch of the Youth Advisory Council noting support of the Tualatin River Bridge Project (Agenda Item No. 8)</li><li>o Public Safety Levy Support – Mayor Dirksen advised he was asked if his name could be used in literature supporting the levy. There were no objections from the City Council.</li><li>o Potso Dog Park – Coe Manufacturing has submitted a development application for their site and the dog park might need to be moved from Coe's property. The agreement between Coe Manufacturing and the City states that Coe Manufacturing will give the City 90 days' notice if they will no longer provide the property for the dog park.</li></ul>	<p>Council approved Resolution No. 06-06 to allocate funds in FY 06-07 for Commuter Rail Shelter Upgrade during the Business Meeting (Consent Agenda No. 3.6)</p>



Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> <li>o Council Agendas – Staff was asked to notify the Council in advance when meetings were likely to be long.</li> </ul>	<p>A paper copy of an agenda, showing estimated times for agenda items, will be delivered to the Council when they receive their meeting packet (CD or hard copy).</p>
Executive Session	<p>The Tigard City Council went into Executive Session at 6:40 p.m. to discuss labor negotiations and real property transaction negotiations under ORS 192.660(2)(d) and (2)(e).</p> <p>Executive Session concluded at 7:29 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:38 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items:</p> <p>Councilor Harding advised that the Tigard Police Department is hosting a Shred-It event on Saturday, February 25, from 10 a.m. – 2 p.m. in the City Hall parking lot. Citizens may bring household documents for shredding.</p> <p>Councilor Harding announced a tree planting event at Bonita Park on February 25 from 9 a.m. - noon. Call Tualatin Riverkeepers (503) 620-7507 for information.</p> <p>Mayor Dirksen was invited by Metro to participate in a Mayors and Chairs Forum. The text of his presentation will be available on the City of Tigard's website.</p>	<p>Mayor Dirksen will share his presentation with the press and staff will post it on the City's website.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>City Manager Prosser introduced Finance Director Bob Sesnon who started at the City on February 13, 2006.</p>	
<p>2. Citizen Communication</p>	<ul style="list-style-type: none"> <li>♦ Tigard High School Student Envoy Jasmina Dizardik presented a report to the City Council on Tigard High School Activities. A copy of her report is on file in the City Recorder's office.</li> <li>♦ Gretchen Buehner, 13249 SW 136<sup>th</sup> Pl., Tigard, Oregon, raised an issue regarding property being developed between 147<sup>th</sup> and 150<sup>th</sup> Avenues off of Beef Bend Road. The trees were left on the steepest slopes but the rest of the area was clear cut, creating an eyesore and potential for landslides. She said tree removal requirements for slopes need to be reviewed.</li> </ul> <p>Mayor Dirksen noted that this land is not in the City limits, but in the urban services area; therefore, any change adopted by Tigard would need to be adopted by the County also. Councilor Harding said she wants to discuss at next week's Planning Commission meeting, the negative effects development can have on neighboring properties.</p> <ul style="list-style-type: none"> <li>♦ Cleon Cox III, 13580 SW Ash Ave., Tigard, OR, discussed his perception of a lack of communication and customer service from the City. He recalled being the only person to testify in person on a particular matter at a prior Council meeting, yet he knew a neighbor had submitted written comments in a letter. He did not see the letter opened and read at the meeting. His concern is that a decision was made without consideration of all available public input. He realizes that the Council is charged with making decisions but must rely on information given to them by staff. He urged the Councilors to make sure the staff is doing all they can to get them necessary information. He was in the City's volunteer leadership group and their final project was to put together a packet of communication ideas. This was given to the Assistant to the City Manager. He said citizens who want to be heard</li> </ul>	<p>Councilor Wilson said this issue that will be included in the Code revision discussion at next week's Joint Meeting with the Planning Commission.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>do not feel heard. People who had issues felt they were not being listened to by City staff and the Council. He asked how this can be resolved.</p> <p>Mr. Cox used an example of a citizen asking about a Highway 99W traffic issue, who was told that ODOT was in charge of the highway. Why, Mr. Cox asked, didn't the staff person talk to ODOT rather than suggest that the citizen do it? He said City staff members know the transportation lingo and could be more effective. Mr. Cox reiterated that communication must be improved.</p> <p>Councilor Harding asked him for suggestions and requested information from him for next week's meeting where better communication is an agenda item.</p> <p><b>Fifth Tuesday Meeting Follow-up:</b></p> <p>City Council and City Manager Prosser discussed the issue regarding Development Code regulations for towers. This matter was brought to the City Council at its January 31 Fifth Tuesday meeting because of a radio tower constructed in a neighborhood.</p> <p>Interim Community Development Director Coffee said the Development Code does not define the term "attached" as it applies to an accessory structure. Whether or not a structure is attached to the main structure affects setback requirements. Councilor Wilson requested that tower height and attachment requirements be added to the list of items for the Development Code discussion with the Planning Commission next week. It was noted that the neighborhood group that attended the January 31 Fifth Tuesday meeting should be provided a status report on what is being done to look into their concerns. In addition there was a suggestion that the process to appeal staff interpretations be discussed with the Planning Commission next week.</p> <p>Other matters at the Council's Fifth Tuesday meeting included:</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<ul style="list-style-type: none"><li>○ A signal at Main Street and Tigard Street – This will be reviewed as part of the downtown development.</li><li>○ Suggestion for feedback in the Cityscape for Parks and Recreation. (Parks and Recreation Advisory Board feedback).</li><li>○ Concern with changes with a development after the developer’s meeting with a neighborhood. It was noted that the public should be informed that a development could change as it moves through the process, which includes public hearings.</li></ul> <p>City Manager Prosser indicated he would review the notes from the Fifth Tuesday Meeting and provide the City Council with additional follow up information.</p>											
3. Consent Agenda	<p>3.1 Approve Council Minutes for January 6, and 10, 2006</p> <p>3.2 Receive and File:</p> <ul style="list-style-type: none"><li>a. Council Calendar</li><li>b. Tentative Agenda</li><li>c. January 31, 2006, Fifth Tuesday Meeting Notes</li></ul> <p>3.3 Local Contract Review Board:</p> <ul style="list-style-type: none"><li>a. Approve the Purchase of a Loader/Backhoe from Halton Company</li><li>b. Award Construction Contract for Information Technology Building Electrical Upgrade and Emergency Generator Power Supply to Frahler Electric</li></ul> <p>3.4 Approve Budget Amendment No. 9 to Increase Appropriations in the Traffic Impact Fee Fund for Funding of Walnut Street Right-of-Way Acquisition and the Street Maintenance Fee Fund for Funding of Additional Costs Related to the Pavement Major Maintenance Program- Resolution No. 06-05</p> <p>A RESOLUTION APPROVING BUDGET</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>AMENDMENT #9 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE TRAFFIC IMPACT FEE FUND FOR FUNDING OF WALNUT STREET RIGHT-OF-WAY ACQUISITION AND THE STREET MAINTENANCE FEE FUND FOR FUNDING OF ADDITIONAL COSTS RELATED TO THE PAVEMENT MAJOR MAINTENANCE PROGRAM</p> <p>3.5 Approve Intergovernmental Agreement (IGA) with Washington County for use of MSTIP3 Bike and Pedestrian Program Funds on the Washington Square Regional Center Greenbelt Trail Project</p> <p>3.6 Approve the Allocation of Funds in FY 06-07 for Commuter Rail Shelter Upgrade – Resolution No. 06-06</p> <p>A RESOLUTION TO ALLOCATE FUNDS IN FY 06-07 FOR COMMUTER RAIL SHELTER UPGRADE</p>											
4. Consider a Resolution of Gratitude to Providence Health Systems for their donation to support Tigard Police D.A.R.E. Summer Camp Programs	<p>Jim Wolf, Police Public Information Officer, introduced Andy Johansen, Director of Information Services for Providence Health System. Mr. Wolf said Providence made a generous donation of \$7,500 to the Tigard Police D.A.R.E. summer camp program. The program provides positive summer activities while reinforcing the importance of staying drug and violence free. These week-long camps are available free of charge to the City’s 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> grade students. Mayor Dirksen and the Council extended appreciation for their involvement and caring for the community. Mayor Dirksen presented Mr. Johansen with a framed recognition plaque.</p> <p>RESOLUTION NO. 06-04 – A RESOLUTION OF THE TIGARD CITY COUNCIL EXPRESSING GRATITUDE TO PROVIDENCE HEALTH SYSTEM FOR A \$7,500 DONATION TO THE TIGARD POLICE DEPARTMENT “D.A.R.E. TO BE GREAT” SUMMER CAMPS</p>	<p>Motion by Councilor Wilson, seconded by Councilor Woodruff, to approve Resolution No. 06-04.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Agenda Item	Discussion & Comments	Action Items (follow up)										
5. Public Hearing – Consider a Resolution Finalizing Sewer Reimbursement District No. 35 (Ash Avenue)	<p>Mayor Dirksen opened the Public Hearing on finalizing the Sewer Reimbursement District 05-51. City Engineer Duenas testified that the project is complete and sewer service can be made available to the lot owners. He described the process and timeline in a PowerPoint presentation.</p> <p>Public Hearing Testimony–</p> <p>Cleon Cox III said he had several things he wanted to point out: 1) During testimony on the formation of District No. 35, he said there were two protests, his and another one written by a woman who could not attend the meeting. He said her written testimony was not opened during the public hearing. He thought the meeting minutes should reflect that. 2) He asked why this was not made into a Local Improvement District. 3) His final bill had increased by 50% and there was a 10% increase in cost within six months, which was high. He asked what this rate was based on. He noted that one person listed on this District’s map lived closer to an existing line on Garrett Street than the proposed line on Ash Street. Mr. Cox wondered why City staff didn’t know about this option for that owner’s corner lot. He also questioned the lateral line depths recommended by the City.</p> <p>Mayor Dirksen asked City Engineer Duenas to discuss the lateral line depth estimates. Mr. Duenas said they plan for worst-case scenarios but owners are notified to coordinate their property’s particular requirements with the inspector.</p> <p>Councilor Wilson asked why initial estimates differed from final costs. Mr. Duenas said all of the bids were higher than the estimate. The cost of materials had gone up 20%, partially due to the increased distance contractors had to travel to obtain gravel. Unstable land issues experienced during sewer line construction in the Edgewood/O’Mara Sewer District made contractors apprehensive of bidding too low.</p> <p>Mayor Dirksen said Tigard has a five-year plan to make sewer available to all residents. Mr. Duenas said it makes more sense to do it systematically rather than react to each case of septic system failure.</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve Resolution No. 06-07.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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	<p>Mr. Cox said the district was not wanted. Councilor Sherwood reminded him that people do not have to hook up at the time the lines are put in their street.</p> <p>City Manager Prosser suggested that Mr. Cox meet with City Engineer Duenas to get his specific questions answered.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>RESOLUTION NO. 06-07 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 35 (SW ASH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 05-51</p>											
6. Affordable Housing Fee Assistance Request	<p>Associate Planner Duane Roberts gave the staff report. Non-profit community mental health agency provider Luke-Dorf was the only applicant for the second half of the FY 05-06 funding period. They requested \$2,243 to offset building permit fees on major repairs to a group home located on Hall Blvd. Luke-Dorf representative Howard Spanbock discussed their programs. The Mayor and Council expressed support and appreciation to Luke-Dorf for providing these services to the community.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to award \$2,243 in Affordable Housing Fee Assistance to the Luke-Dorf.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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7. Consider Amending the Tualatin River Bicycle and Pedestrian Bridge IGA and Commit Additional Funds to the Project	<p>Parks Manager Dan Plaza and Public Works Director Koellermeier provided information to the Council regarding the approval of this IGA as it relates to increased construction costs and bringing in Clean Water Services as a full partner. At the January 24, 2006 Council meeting, Council was informed that the Tualatin River Bicycle and Pedestrian Bridge project had incurred significant cost increases. Agenda Item No. 8 addresses increasing appropriations for the project. Mayor Dirksen said the other partners have already approved it and the City needs to join them; he noted the longer we wait, the more expensive it might become.</p>	<p>Motion by Councilor Sherwood seconded by Councilor Wilson, to approve the IGA amendment.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes				
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Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>With Clean Water Services coming in as a partner, Tigard's maintenance share for the bridge is reduced from 57.5% to 45% - a reduction of 12.5% over the life of the bridge.</p> <p>Councilor Wilson discussed a letter from Western Wood Structures of Tualatin questioning the use of steel rather than wood from a local company. Mr. Plaza noted that the City has purchased bridges from Western Wood Structures in the past and that the material choice for this bridge was controlled by the Oregon Department of Transportation. Their concern is leachates into the stream. Both steel and timber trusses were evaluated and it was determined that steel would last longer and require less maintenance. He noted that the steel will be 100% USA-manufactured.</p> <p>It was noted that the Tigard Youth Advisory Council recommended that the City Council approve this project.</p>	<p>Councilor Wilson      Yes Councilor Woodruff    Yes</p>
<p>8. Consider a Resolution Approving Budget Amendment #8 to the FY 05-06 Budget to Increase Appropriations in the Parks Capital Improvement Budget for Funding of Additional Costs Related to the Tualatin River Bicycle and Pedestrian Bridge</p>	<p>Parks Manager Dan Plaza said Budget Amendment #8 pertains to the increased construction costs of the Tualatin River Bicycle and Pedestrian Bridge. On January 24, 2006, Council directed staff to prepare this amendment.</p> <p>The current FY 05-06 adopted budget for the pedestrian bridge is \$250,125. Tigard's share for this project in FY 05-06 is now \$592,578. So that this project does not show that it went over budget, this amendment is necessary to increase the amount budgeted for the project. The project budget will be increased by a transfer of \$150,000 from the Parks Capital Contingency Fund and a transfer of budgeted appropriations of \$192,453 from the Washington Square Regional Center Trail, which was delayed to FY 06-07. This amendment does not change actual funding sources for the Washington Square Regional Center Trail, only the budget appropriations. The pedestrian bridge expenditure will be paid with \$224,928 in MTIP funds, and \$367,650 in SDC funds specifically allocated for this project. Council Wilson asked the staff if, as the contingency fund will now be at zero,</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve Resolution No. 06-08.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen      Yes Councilor Harding    Yes Councilor Sherwood   Yes Councilor Wilson      Yes Councilor Woodruff    Yes</p>



Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>they were comfortable with this. Parks Manager Plaza and Public Works Director Koellermeier stated that they were.</p> <p>Councilor Harding noted that we have money available now that will not be available later so we need to fund this bridge project since the Washington Square project was postponed.</p> <p>Councilor Wilson said the contingency fund is there for a reason and this certainly is a contingency. Mayor Dirksen acknowledged the Parks staff for their creative solution in finding funding for this project.</p>											
9.	Adjournment: 9:12 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Attest:

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Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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Agenda Item No. \_\_\_\_\_  
 For Agenda of \_\_\_\_\_



### ***Tigard City Council Meeting Minutes***

Date: February 21, 2006  
 Time: 6:34 p.m.  
 Place: Tigard City Hall, 13125 SW Hall Boulevard  
 Tigard, Oregon  
 Attending: Mayor Craig Dirksen Presiding  
 Councilor Sally Harding  
 Councilor Sydney Sherwood  
 Councilor Nick Wilson  
 Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 6:36 p.m.</p> <p>1.2 Roll Call: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports – None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p>	
2. Presentation of Findings and Recommendations from the Financial Strategy Task Force	<p>Financial Operations Manager Imdieke introduced Financial Strategy Task Force Chair Rick Parker and Task Force members Gretchen Buehner and Bev Froude.</p> <p>Chair Parker reviewed the findings and recommendations of the Task Force. A copy of the Report is on file in the City Recorder's office. The key recommendations include:</p> <p>a. Develop a comprehensive communication plan to inform and educate on how the City is</p>	<p>Next steps:</p> <p>Finance Director Sesnon said staff will review the Task Force recommendations to identify options for implementation.</p> <p>City Manager Prosser commented on the Budget development process. Departments have turned in</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>providing services.</p> <p>b. The Task Force did not find the City is providing any services it should not be providing.</p> <p>c. Performance audits should be conducted in key areas/programs, especially in the general fund.</p> <p>d. The City should continue adjusting fees and charges to recover costs.</p> <p>e. The City should support any reasonable County tax measure that would bring additional revenue to the City.</p> <p>f. The City should make sure that it is maximizing grant revenues and its share of revenues from the State, County, and Clean Water Services.</p> <p>g. Any local option levy rate should capture the cost of the program or service and all related support services and overhead.</p> <p>h. The City should pursue corporate/private sector funding or sponsorships for programs and projects.</p> <p>i. The City should continue to pursue existing efforts to develop cooperative agreements with local jurisdictions for equipment sharing and to minimize delivering duplicate services.</p> <p>j. Future City budgets should be analyzed when considering new programs and capital acquisition or construction.</p> <p>The Task Force's report also outlined an overall approach for a local option levy, identifying a sequential set of actions.</p> <p>Council/Task Force/Staff discussion topics:</p> <ul style="list-style-type: none"> <li>◆ Suggested using a graduate student intern to assist with the performance audit.</li> <li>◆ Suggested requesting assistance from a professional organization, such as American Water Works, to evaluate the methodology proposed for the City-programs audit.</li> <li>◆ Keep citizens involved in the process throughout the audit.</li> <li>◆ Talked about the increased operating costs for the library, the inability to keep pace with costs, and the need to identify a long-term funding method.</li> </ul>	<p>their Budget requests to the Finance staff for review.</p> <p>City Manager Prosser will start building his proposed budget and anticipates the City Council/Budget Committee will see many of the recommendations reflected in the proposed budget.</p> <p>Mayor Dirksen noted there is no question the City should move forward with the Task Force's recommendations. If the City anticipates it might have to ask citizens for more money, it first must validate what it is doing already. He supported the idea of targeting certain areas for a performance audit and then, based on the outcome, determine whether an audit in other areas is warranted.</p> <p>Mayor Dirksen said to continue citizen involvement. A citizen group, such as the Task Force, could act as an oversight committee for the performance audit. This might give a higher level of citizen comfort about objectivity. He asked for continued involvement of the Task Force members.</p> <p>City Manager Prosser suggested that Task Force members be asked if they want to remain involved as all members serve either on the Budget Committee or on another Board or</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> <li>◆ Discussed the comparison of tax rates for local jurisdictions. There were questions about whether variables were factored in (i.e., fire service and franchise fees).</li> <li>◆ First decide on overall strategy to determine how to proceed with more detailed work.</li> <li>◆ Discussed the performance audits with focus on the police and library departments. It was suggested that the police department budget was already lean and other areas in the City need to be reviewed. Response was that the Task Force recommended the audit target areas where the largest percentage of general fund dollars is used.</li> <li>◆ A comment in agreement about reviewing the services provided and whether there might be a way to recover costs.</li> <li>◆ Performance audits are not limited to financial data. Developing a good scope of work will be key.</li> <li>◆ Review what can be done with less; what services are critical to the life of the community.</li> <li>◆ A comment that it is good to periodically prepare reduction-package budgets.</li> <li>◆ Reticence expressed in pursuing a local option levy until all other alternatives are considered.</li> <li>◆ Discussed the current tax system, tax limitations, and inequities in property assessments.</li> <li>◆ Suggested a review of City programs, services, equity and restructuring; that is, a comprehensive review of the entire organization.</li> </ul>	<p>Committee. Financial Operations Manager Imdieke said some members have expressed interest in continuing to be involved.</p>
<p>3. Joint Meeting with the Planning Commission – Overview of the Comprehensive Plan Work Program</p>	<p>Planning Commission Members Present: Chair Padgett; Commissioners Anderson, Buehner, Caffall, Inman, Padgett; Commissioner Duling arrived at 8:01 during discussion on the Planned Development Code review.</p> <p>Staff present: Interim Community Development Director Coffee, Planning Manager Shields, Senior Planner St. Amand.</p> <p>Senior Planner St. Amand presented an overview of the Comprehensive Plan Update. A copy of the PowerPoint presentation is on file in the City Recorder's office.</p>	<p>Comments during discussion included:</p> <ul style="list-style-type: none"> <li>- Be responsive to items identified in the vision survey.</li> <li>- Public involvement needed throughout the project.</li> <li>- Council approval will be sought on sections, the City Council will be asked to adopt the finalized document as a whole.</li> <li>- Continue to coordinate</li> </ul>

Agenda Item	Discussion & Comments	Action Items (follow up)
Code Revision Projects	<p>The purpose of the update to the Comprehensive Plan is to develop a citizen-driven blueprint for the City's next 20 years based on current conditions, community values and goals (Tigard Beyond Tomorrow Vision), citizen surveys, and state/regional requirements. Senior Planner St. Amand reviewed with Council the action plan, methodology, Planning Commission role, multi-phased work program, public involvement, and the timeline.</p> <p>City Council, Planning Commission, and staff discussed topics outlined in a February 17, 2006, memorandum from Interim Community Development Director Coffee regarding Code Revision Projects. A copy of the memorandum is on file in the City Recorder's office.</p> <p>Discussed in more detail was the Planned Development Code review. A draft ordinance has been written by staff and will be scheduled for a City Council work session. Issues discussed regarding Planned Developments included:</p> <ul style="list-style-type: none"> <li>- Access by general public to the open spaces within planned developments.</li> <li>- Benefits to the community at large questioned.</li> <li>- Objectives of the developer are not necessarily to the benefit of the general public.</li> <li>- Presently, if the development meets the criteria of the Code, then the development must be approved.</li> <li>- Suggestion that Code language be developed identifying what is considered to be of benefit and findings must state how the community values are met.</li> <li>- Three things are usually of concern to the public with new development: 1) increase in traffic; 2) loss of trees; and 3) loss of privacy.</li> <li>- Objection to including in calculations land within the development that can't be developed when justifying smaller lot sizes or to meet mitigation requirements.</li> <li>- Develop language to mitigate impacts of the development on the immediate neighborhood.</li> </ul>	<p>with the County on areas outside City boundaries; however, no detailed planning will be done outside the City.</p> <ul style="list-style-type: none"> <li>- The City has no authority to plan for areas outside the City, including Areas 63 and 64 in the urban growth boundary.</li> <li>- All of the City's planning staff will be involved in this project.</li> </ul> <p>Planned development code revisions will be reviewed by the Planning Commission on March 20. City Council will review on April 18.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>- Policy decisions are needed on open space: Who will take care of it? Will it be dedicated to the public?</p> <p>- No limitations for developers on planned developments; there are “holes” in the Code.</p> <p>- Negative impacts to the immediate neighborhood includes: small lot sizes, lack of parking, private streets, and the perceived reduction in property values.</p> <p>- Need to reorganize Code language so it is more user friendly. There are regulations outside the Planned Development section of the Code that affect how the Planned Development regulations are applied.</p> <p>- Issues with Planned Development Code summarized as:</p> <ul style="list-style-type: none"> <li>◆ Evaluate the public benefit of a planned development.</li> <li>◆ Review general public accessibility of open space within a planned development.</li> <li>◆ Determine whether the open space will be the responsibility of the City.</li> <li>◆ Lot-size averaging – eliminate or significantly reduce availability of this provision; i.e., use for a specific reason, not just for the convenience of developing the property.</li> </ul>	
<p>4. Joint Meeting with the Committee for Citizen Involvement (CCI)</p>	<p>Committee Members Present: Chair Basil Christopher; Teddi Duling, Bev Froude</p> <p>Associate Planner Roberts introduced this agenda item. CCI Chair Christopher summarized the Committee’s activities and referred to the staff report submit to the City Council members in their meeting packet. The Committee’s areas of focus included:</p> <ul style="list-style-type: none"> <li>◆ Neighborhood Program</li> <li>◆ Land Use Neighborhood Meeting</li> <li>◆ City Capital Project Notification Process</li> <li>◆ Outreach to Under-Represented Groups</li> <li>◆ City Web Page</li> <li>◆ Capital Improvement Program Public</li> </ul>	<p>When asked what the next step is with regard to activities, Committee members requested continued City Council support for the Neighborhood Program and utilization of the Cityscape and City’s website. Associate Planner Roberts proposed that City departments review and comment on action items listed in the CCI’s report. City Manager Prosser suggested that the City of Tigard Executive</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Participation Process</p> <p>Committee members spoke of their support for the CCI to concentrate on improved communication with citizens.</p> <p>There was discussion on connecting communication efforts to the Tigard Beyond Tomorrow Vision goals, which are also connected to the City Council 2006 Goals. Mayor Dirksen noted that the Agenda Item Summary forms used by staff to summarize items on the City Council agendas, describe each City Council agenda item's connection to City Council and Visioning Goals. Committee member Froude suggested that this would be good information to share with citizens.</p>	<p>Staff review CCI's Annual Report to Council and report the status of the program-specific recommendations listed.</p>
	<p>Council meeting recessed: 8:41 p.m. and Council members then met as the City Center Development Agency at 8:55 p.m.</p> <p>Council meeting reconvened: 9:39 p.m.</p>	
<p>5. Update on Burnham Street Project</p>	<p>Staff presenter: City Engineer Duenas</p> <p>The PowerPoint presentation overview is on file in the City Recorder's office.</p> <p>City Engineer Duenas reviewed the existing conditions of the street. The challenge will be to decide how much of the project should be completed now and what can be reserved for future construction by developers. Two options, including advantages and disadvantages, were reviewed:</p> <p>Option 1 – Purchase entire right-of-way needed (including slope and construction easements) and construct full improvements out to the designated right-of-way width.</p> <p>Option 2 – Purchase enough right-of-way to construct a basic section, construct the basic section,</p>	<p>City Council supported Option 1. Next step is to finalize the design and acquire right of way.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>and then let development dedicate and construct the remaining sections.</p> <p>The ideal would be to acquire the necessary right-of-way and construct the street as proposed in the concept design. Burnham Street is identified in the Transportation System Plan and must be constructed to a three-lane width in order to be eligible for Traffic Impact Fee funding. City Engineer Duenas advised he would explore with the County whether adding a bicycle lane would count towards adding additional capacity.</p> <p>Council members commented on the project implementation and support was expressed for Option 1. Burnham Street is a catalyst project for the downtown development and should not be constructed in a patchwork manner. There was discussion on a preferred median design with occasional islands to accommodate left turns and traffic. There was discussion about traffic calming; i.e., slower movement of traffic. Also to be considered is on-street parking and mid-block pedestrian crossings.</p> <p>The proposed 2005-06 budget includes \$300,000 for design and right-of-way acquisition.</p> <p>Mike Marr advised the City Council direction for Option 1 is similar to that which is supported by most of the members of the City Center Advisory Commission.</p> <p>It is the desire of the City Council to move ahead as quickly as possible on this project.</p>	
<p>6. Consider Formation of a Local Improvement District (LID) in the Tigard Triangle</p>	<p>Staff Presenter: City Engineer Duenas</p> <p>Also present for Specht Development: Ed Murphy and Todd Schafer.</p> <p>City Council reviewed information regarding the petition to form an LID in the Tigard Triangle. The PowerPoint presentation overview is on file in the City Recorder's office. Specht Development is the</p>	<p>Consensus of City Council is to move forward and have the City Engineer prepare a resolution for Council consideration authorizing preparation of a Preliminary Engineer's Report. Council will consider this resolution at its February 28, 2006, City</p>



Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>owner or contract purchaser of 15 of the 25 parcels within the proposed LID boundary.</p> <p>City Council members discussed the affect the LID would have on other properties.</p> <p>Mr. Murphy said the area is zone MUE (Mixed Use Employment). He acknowledged there might be issues from property owners in the area and said the City has made the decision, by zoning the area MUE, that redevelopment is planned for the area. Property-owner notifications have not been done; direction is needed from the City Council whether to proceed with consideration of LID formation.</p> <p>Specht Development, Inc., has agreed to pay in advance the cost of the preliminary engineer's report with the understanding that the City will include the cost of preparing the report in the LID, if the District is established.</p> <p>City Manager Prosser described the Bancroft bonding process. He also noted some relief might be available from the state to low-income elderly residents who might live within the District (should the District be formed).</p>	<p>Council meeting.</p>
<p>7. Discussion – Councilor Harding Communication Ideas</p>	<p>City Council discussed ideas to improve communications, including:</p> <ul style="list-style-type: none"> <li>◆ Revise sign-in sheets at City Council meetings so citizens can indicate their areas of interest and to help identify volunteers.</li> <li>◆ Discussed the Neighborhood Program, which will incorporate the Community Connector Program. There was a suggestion to reach out to Tigard residents in the Beaverton School District by using the Neighborhood pilot project.</li> <li>◆ Discussed a statistically valid citizen survey. City Manager Prosser noted a survey will be done as part of the Comprehensive Plan review. He suggested that a survey be conducted every other year.</li> <li>◆ Data from other surveys might be incorporated and compared with the</li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>statistically valid survey.</p> <ul style="list-style-type: none"> <li>♦ Focus groups would also be another option for acquiring information from citizens.</li> <li>♦ Make public notice signs more visible. Supply telephone information on signs whereby interested parties could access a recorded message providing more detailed information regarding a proposed project. In addition, information should be made available on the City's web site; i.e., a link for public notices.</li> <li>♦ Suggestion for better City Council liaison reports and reports from staff to share what is occurring in the community.</li> <li>♦ Suggestion that less space be devoted to library programming in the Cityscape.</li> <li>♦ Utilize expertise of volunteers.</li> <li>♦ Post City Council goals at the Library. Make use of display area at the Library for City of Tigard programs.</li> <li>♦ Default screen on Library computers could be set to the City of Tigard home page.</li> <li>♦ Requested information be made available explaining system development charges – how these funds can be used. (Referred to information prepared by the League of Oregon Cities.)</li> <li>♦ Streamline City Council Agenda Item Summaries; avoid repetitive language. General City Council consensus was for staff to be cognizant of the need for concise writing, seeking improvements over time.</li> <li>♦ Suggested better relationships could be furthered with the School District if City Council members attended school activities. This idea could be explored with the School District at a joint meeting scheduled for April 2006.</li> </ul>	
Adjournment	11:08 p.m.	

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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CITY CENTER DEVELOPMENT AGENCY  
- AN URBAN RENEWAL AGENCY-  
MEETING MINUTES  
FEBRUARY 21, 2006

1. CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING
  - 1.1 Chair Dirksen called the meeting to order at 8:55 p.m.
  - 1.2 CCDA Members present: Chair Dirksen, Directors Harding, Sherwood, Wilson, and Woodruff.
2. UPDATE ON DOWNTOWN STREETSCAPE DESIGN PLAN PROCESS AND REVIEW DESIGN THEME COMPONENTS AND PRELIMINARY DESIGN ALTERNATIVES

Staff Presenters: Planning Manager Shields, Associate Planner Igarta

OTAK Consultant Representative: Tom Litster

The PowerPoint presentation overview is on file in the City Recorder's office. The streetscape plan was reviewed: vision, design concepts and implementation in 2006 and beyond.

The current project focus is on design concepts:

- ♦ Design themes and principles
- ♦ Conceptual design
- ♦ Main and Burnham Streets
- ♦ Gateways and public spaces

Burnham Street and Main Street design elements were reviewed as well as a concept diagram for the downtown area, depicted as the "Green Heart."

After review of the "green theme" for design, key elements for Burnham Street were discussed as the "Street for the Green Heart." These elements include wide sidewalks, a landscaped median, trees/landscaping, street furnishings, and a public space connection. There was discussion exploring differing viewpoints on the proposal for the landscape median. The consultant supported the median for storm water management, trees and landscaping, enhanced pedestrian crossings noting long blocks, and traffic calming.

Councilor Wilson noted his concern that the median would create a barrier to the businesses along the street; that it would be counterproductive and create a traffic impediment.

Also, it needs to be determined whether Burnham Street would be eligible for Traffic Impact Fee funding if it is not developed at three lanes. Burnham Street is projected to have 10,000 vehicles/day by 2025.

Mike Marr noted there were strong objections to the median by some of the members of the City Center Advisory Commission. There were concerns about maintenance. Mr. Litster acknowledged the medians would require maintenance and cited several successful Portland-area green street projects.

(Recorder's Note: Burnham Street Project was discussed by the City Council after the conclusion of this meeting. See minutes of the February 21, 2006, City Council meeting.)

3. Adjournment: 9:39 p.m.

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Catherine Wheatley, Recorder  
City Center Development Agency

Attest:

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Craig Dirksen, Chairperson  
City Center Development Agency

Date: \_\_\_\_\_

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Appointing Members to the Building Appeals Board

PREPARED BY: Gary Lampella DEPT HEAD OK TC CITY MGR OK EAM frcp

ISSUE BEFORE THE COUNCIL

Should City Council approve a Resolution appointing six new members to the Building Appeals Board?

STAFF RECOMMENDATION

Staff recommends Council approve the Resolution appointing the members to the Building Appeals Board

INFORMATION SUMMARY

On December 13, 2005, Council approved an Ordinance amending the Tigard Municipal Code Section 2.09.020 to stagger the terms of the seven members for the Building Appeals Board. At present, all of the members' terms expire on the same day – April 1, 2006. This could result in the possibility of a complete new board every four years. With approval of this Resolution to appoint six new members, four members will have four-year terms and two members will have two-year terms.

On March 6, 2006, applicants were interviewed and six were selected to serve on the seven-member board. There was no candidate that met the requirements for the general contractor position. Further recruitment for this position will be necessary. Therefore, staff is asking City Council to appoint the six applicants identified in the Resolution.

OTHER ALTERNATIVES CONSIDERED

Do not appoint the members to this board and disband the Building Board of Appeals.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Community Character & Quality of Life, Volunteerism Goal #1: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Attachment 1: Proposed Resolution

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FISCAL NOTES

There is no budgetary impact for the Building Appeals Board.

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-\_\_\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING MICHAEL KRINGLEN, DOUG COLLING, JEFF JURRENS, ERIC WATSON, GERALD MCKEE AND ALAN MITCHELL TO THE TIGARD BUILDING APPEALS BOARD.

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WHEREAS, on December 13, 2005, the City Council approved an ordinance amending the Tigard Building Appeals Board terms; and

WHEREAS, the Mayor's Appointments Advisory Committee interviewed interested individuals on March 6, 2006.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that: The following members will be appointed to the initial terms as indicated and thereafter all terms shall be for a period of four years.

SECTION 1: The following are appointed to the specific positions indicated:

Michael Kringlen	Public Member	Four Year Term
Doug Colling	Disabilities Member	Four Year Term
Jeff Jurrens	Fire Official Member	Two Year Term
Eric Watson	Structural Engineer Member	Two Year Term
Gerald McKee	Building Official Member	Four Year Term
Alan Mitchell	Attorney Member	Four Year Term

SECTION 2: The terms shall expire on April 1<sup>st</sup> following their terms.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of Library Policies

PREPARED BY: Margaret Barnes DEPT HEAD OK SP CITY MGR OK eam for CP

ISSUE BEFORE THE COUNCIL

Tigard City Council consideration of policies for the Tigard Library as recommended by the Tigard Library Board.

STAFF RECOMMENDATION

Approve the attached policies as recommended by the Tigard Library Board and as stated in the Tigard Municipal Code, Section 2.36.040.

INFORMATION SUMMARY

The Tigard Library Board reviews pertinent policies and procedures annually that relate to the operation of the Tigard Public Library. As it states in the Tigard Municipal Code, Section 2.36.040 Board Responsibilities: To recommend library policies as deemed desirable in the operation and utilization of library facilities to the Council. Over the past few months and including the meeting of March 9, 2006 the Library Board met to review various policies and unanimously approved the policies listed below. The City Attorney has reviewed these documents and has no concerns or issues. The Library Board is forwarding the following policies to Council for their approval:

Fee-Based Services Policy - describes fees to cover costs associated with providing alternative, enhanced or specific services to users.

Library Card Policy - describes process and requirements to obtain a library card for adults and youth. Outlines card user responsibilities.

Proctoring Examination Policy - announces that library will offer written examination proctoring services to the public.

Room Use Policy - outlines rooms available for public use and rules for use.

Study Room Use Policy - is specific to Study Rooms. Outlines rules for use, reservation procedures and City and user liability.

If adopted, the policies will be incorporated into the Library's policy manual.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None.

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### ATTACHMENT LIST

1. Fee-Based Services Policy
2. Library Card Policy
3. Proctoring Examination Policy
4. Room Use Policy
5. Study Room Use Policy

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### FISCAL NOTES

None.

## **FEE-BASED SERVICES POLICY**

### **HISTORY**

Drafted 10/5/2005

### **POLICY**

The Tigard Library charges fees to cover costs associated with providing alternative, enhanced, or specific services which benefit one user at the exclusion of others.

### **BACKGROUND**

Free access to information found in a variety of formats is essential to the library's mission, but there are limits to what the public-funded library can provide free of charge. Services that benefit one user at the exclusion of others, or which prevent the reuse of the information or material provided, are examples of services subject to fees.

### **REGULATIONS**

Fee-based services, include, but are not limited to provision of computer storage media (discs), photocopies, and printing. Cost recovery fees are based on any or all of the following: average staff time associated with the service, cost of materials consumed, and equipment maintenance and other overhead costs.

## LIBRARY CARD POLICY

### POLICY

Library cards are available free of charge to all citizens of Washington, Multnomah, Clackamas, Hood River, Clark, Klickitat and Skamania Counties who can provide proof of current residency. Applicant must be present to receive a card. All patrons registering for a Washington County Library card must show acceptable, current printed verification of name and street address of residence. If a single piece of identification does not meet the criteria, a second piece of identification may be used to furnish the needed information.

#### **Acceptable I.D. for adults 18 or over will be:**

Preferred:

- Driver's License, State I.D. Card or picture I.D. with current address.

If the current address is not on the preferred identification, the following additional identification is accepted as proof of address:

- Dated utility bill or rent receipt
- Canceled envelope addressed to applicant with a current postmark
- Voter's registration card
- Automobile registration

#### **Acceptable I.D. for youths under 18 will be:**

- Any of the above in the name of the youth or the name of his/her parent/legal guardian. This does not include babysitters, nannies, day-care providers or grandparents.
- Current local Student Body Card with picture.
- A completed card application that includes parent/legal guardian information and is verified by youth's teacher if card is obtained during school visit.

Parent(s) or guardian(s) of all youths under age 18 will receive a letter outlining guidelines for library use.

There is a charge for replacement cards. (Same identification requirements apply). Those individuals not eligible for a free library card may obtain a card for yearly nonresident fee.

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### Borrower's responsibility

Patrons enter into an agreement with the Library when they obtain their library card. The library card states that "I accept full responsibility for the use of this card. I will give immediate notice of loss of card or change of address." The signature of the cardholder signifies acceptance of this responsibility.

The Library requires patrons to present their cards, appropriate identification, or library card number with verification of address or phone number before checking out materials. Unless reported as lost or stolen, it is implied that a person possessing a library card has permission from the owner for use. Cardholders are responsible for notifying the Library when their card is lost or stolen. Patrons are responsible for all charges until their card is reported lost, including items checked out on the card prior to reporting it lost.

To avoid referral of the account to collections and to be considered for a waiver of fees, cardholders must immediately file a police report of theft and unauthorized use. They must then submit a copy of this report to a Library Circulation Supervisor to avoid referral of the account for collection.

Patrons who have lost their card may be issued a new one. Printed verification of name and address of residence is required. Picture identification is the preferred verification.

Retrieval of lost items is the library's priority. Replacement charges will be removed for lost items returned in good condition within a reasonable amount of time. Overdue charges will remain.

### Library Cards for Children

All individuals, including children, must be present to be issued a library card. All cardholders, including children, are entitled to record privacy. It is recognized that parents or guardians have fiscal responsibility for children under the age of 18. The parent or guardian's name is required information on a child's library card, as well as the birthdate of the child. The parent or guardian is issued a letter with an explanation of library policies – including the need for the parent to have the child's card or card number in order to access information on the child's library record.

Adopted by the Tigard Library Board February 16, 2006.

## **PROCTORING EXAMINATION POLICY**

### **POLICY**

With the increasing number of students participating in distance learning, the demand for proctoring services is rising. The Tigard Public Library is pleased to offer proctoring services for written examinations to members of the public as outlined by the procedures.



## **TIGARD PUBLIC LIBRARY**

13500 SW Hall Blvd  
Tigard, Oregon 97223

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### **Room Use in the Library**

#### **History**

#### **POLICY**

The Tigard Public Library provides meeting and study room space so that the resources of the Library and the activities of our community may be brought together. The public meeting rooms are provided for the benefit of all and may be used by organizations and individuals, as the space is available. The Library, other City business, and governmental agencies have priority room use. The Library also has several rooms that are for Library and City of Tigard Department use only.

#### **RULES**

User functions may not disrupt Library activities or patrons. The Library Director or designee may terminate any function that is disruptive to the Library's operations.

Room users are prohibited from posting or distributing materials in the Library building except with permission of Library staff. See the Postings and Distribution of Materials Policy and Procedures for detailed policies and procedures.

Policies and procedures for charges, reservations and use vary by room and are briefly described below. For more information see specific room policies.

#### **Rooms available to the public:**

**Community Room:** The Community Room has a capacity of 160 and is available for rental Monday-Sunday from 8:00 am-10:00 pm. Reservations are available through the City of Tigard's Room Reservation Coordinator. See Community and Conference Room Use in the Tigard Public Library for more information.

**Conference Room:** The Conference Room has a capacity of 25 and is available for rental during regular Library business hours. Reservations are made through the City of Tigard's Room Reservation Coordinator. See Community and Conference Room Use in the Tigard Public Library for more information.

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Adopted by the Tigard Library Board March 9, 2006

**Study Rooms:** The Library has three small study rooms available for individuals or groups of up to six. Rooms are available free of charge. Reservations are required and are made through the Library. See Study Room Policy for more information.

### **Restricted Use Rooms:**

**Grace Tigard Houghton Reading Room:** In addition to its primary use as a reading room, the Houghton Room may be used for Library, Library-sponsored, and other City Department programs and meetings only.

**Mary M. Puett Room:** The Puett Room is used primarily for Youth Services programs and occasionally for Library and other City Department programs or meetings. At the discretion of the Youth Services Supervisor, this room may be used by other groups in partnership with the Library.

**Technology Room:** The Technology Room is used for Library programs and Library and City Department training only.



## **STUDY ROOM USE POLICY**

### **POLICY**

The Tigard Public Library provides three study rooms for use by individuals and community non-profit groups. When not in use for library activities, the rooms are available under the following guidelines approved by the Library Board, and the general Library Use Guidelines. The Library Board neither approves nor disapproves of content, topics, subject matter, or points of view of individuals or groups using the study rooms.

### **Rules**

- The rooms are available for non-profit, educational, or cultural groups of up to six persons, or for individuals who wish to study.
- Rooms are available on a first-come, first-served basis.
- The rooms are available during the hours the library is open. Use of the rooms must end at least 15 minutes prior to the library closing.
- Activities in the rooms must not be disruptive to others in the building.
- Activities occurring in rooms must not violate any City of Tigard ordinances or state statutes.
- Rooms and furnishings must be left in their original condition.

### **Reservation Procedures**

- Rooms must be reserved by sign-up at the main Reference Desk. Sign-ups may be done in person or by telephone.
- Rooms may be reserved up to one week in advance.
- Identification such as a Student I.D. card, Library Card or valid Oregon Driver's License or Oregon State I.D. card is required for reservation of a Study Room. The card will be held during the use of the Room.
- Maximum reservation time for groups or individuals is two hours a day unless no one is waiting or other reservations have not been made. Additional reserved time for a room may be negotiated with the Reference Desk staff. Decisions regarding additional time will be based on free and

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open access for everyone so that no person/group monopolizes a room to the disadvantage of others. This is to ensure that if a library visitor sees that all of the rooms are occupied, they can be assured the use of a room within a reasonable amount of time.

- Reservations will be held for up to 15 minutes after the reservation beginning time.
- Users must check-in at the Reference Desk before using a room. Rooms are kept locked when not in use and can be opened only by library staff.
- In order for users to retrieve their identification, they will be asked to sign-out at the Reference Desk when they have finished using a Study Room.

### **City Liability**

All groups or individuals using the Library study rooms agree to take appropriate measures to protect, indemnify, and defend the City, its elected and appointed officials, and all employees against any and all claims as a result of persons attending any function at the facility. This provision includes any expenses incurred by the City defending any such claim. The City, its elected and appointed officials, and all employees will not be held responsible for any lost or stolen articles as a result of persons attending any function in the building.

### **User Liability**

The City recognizes that a certain amount of wear will occur to the study rooms over the course of normal use. However, in the event the maintenance guidelines are violated, the user will be liable for the following charges:

1. Repair or replacement of equipment or facilities damaged due to neglect, vandalism or misuse.
2. Cleaning expenses incurred to clean up the room if not left in the same condition as found.

Adopted by the Tigard Library Board February 16, 2006.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

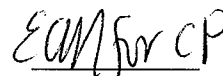
ISSUE/AGENDA TITLE Submission of a Grant Application to Obtain Matching Funds to Construct the Jim Griffith Memorial Skate Park

PREPARED BY: Dan Plaza

DEPT HEAD OK



CITY MGR OK



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ISSUE BEFORE THE COUNCIL

Consider a resolution authorizing the submission of a grant application.

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STAFF RECOMMENDATION

Adopt the resolution.

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INFORMATION SUMMARY

This is the second time the City of Tigard has submitted an Oregon Parks and Recreation Department (OPRD) State of Oregon Lottery Local Government Grant application for construction of the Jim Griffith Memorial Skate Park.

**Previous 2005 Grant Application**

In November 2004, the Council approved the submittal of a State of Oregon Lottery Local Government Grant application, requesting funds to construct the Jim Griffith Memorial Skate Park. In this funding request, the City pledged \$150,000, applied for \$150,000 in matching state grant money, and proposed the Skate Park Task Force raise the remaining \$105,000. Based on communication with the state's grant review committee, staff has concluded Tigard was not awarded the grant because a portion of the project's funding, namely the \$105,000 in donations, had not been secured. The total estimated project cost was \$405,000.

**Current 2006 Grant Application**

The Council is being asked to once again authorize the City Manager to apply for a State of Oregon Lottery Local Government Grant to provide matching funds for skate park construction. In this application, the City does not factor in any donations beyond the \$50,000 the task force has already raised. The updated cost estimate for the skate park project is \$426,300.

This year's grant awards will be announced by July 1, 2006. If construction of the skate park begins in 2006, the project could be completed as early as spring 2007.

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OTHER ALTERNATIVES CONSIDERED

The Council could choose not to authorize staff to apply for the grant.

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Tigard Beyond Tomorrow, Urban and Public Services

- ♦ Parks & Greenways Goal #2 – “Open space and greenway areas shall be preserved and protected.” Strategy #1 – “Acquire and develop park land.”
- ♦ Recreation Goal #1 - “Partnerships will provide a wide range of leisure and recreation opportunities that are coordinated and available for the Tigard community.” Strategy #1 – “Develop partnerships with current providers to provide opportunities for recreation.”

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## ATTACHMENT LIST

Resolution

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## FISCAL NOTES

The task force has raised approximately \$50,000 in donations to date. Staff will propose FY '06/07 funding of the skate park without the grant as follows:

	Without Grant
Park SDCs	\$335,502
General Fund	\$ 40,798
Donations	\$ 50,000
Grant	0
Total	\$426,300

Should the City receive the grant, staff will prepare a budget amendment to lower park SDC funding and eliminate general fund monies from the project. Funding with the grant would be amended as follows:

	With Grant
Park SDCs	\$226,300
General Fund	0
Donations	\$ 50,000
Grant	\$150,000
Total	\$426,300

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 06-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE SUBMISSION OF A STATE OF OREGON LOTTERY LOCAL GOVERNMENT GRANT PROGRAM APPLICATION TO THE OREGON PARK AND RECREATION DEPARTMENT (OPRD) TO REQUEST MATCHING FUNDS FOR THE CONSTRUCTION OF THE JIM GRIFFITH MEMORIAL SKATE PARK

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WHEREAS, the OPRD has funding available through the State of Oregon Lottery Local Government Grant Program for projects such as the construction of the Jim Griffith Memorial Skate Park; and

WHEREAS, the City of Tigard desires to participate in this State Lottery Program in order to obtain \$150,000 in matching funds for the skate park construction; and

WHEREAS, with \$150,000 in grant funding, the City of Tigard's share of the project's cost is estimated to be \$226,300; and

WHEREAS, Tigard supports its youth and believes in providing opportunities for young people to be engaged in constructive activities; and

WHEREAS, the Jim Griffith Memorial Skate Park would provide such an opportunity for Tigard youth; and

WHEREAS, the skate park project is identified in the adopted Tigard Park System Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. The Tigard City Council authorizes the City Manager to submit a State of Oregon Lottery Local Government Grant application in order to obtain matching funds to construct the Jim Griffith Memorial Skate Park.

SECTION 2. This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appoint Carol Krager as Deputy City Recorder

PREPARED BY: Catherine Wheatley DEPT HEAD OK PLS CITY MGR OK EUM for CP

ISSUE BEFORE THE COUNCIL

Should Carol Krager be appointed Deputy City Recorder?

STAFF RECOMMENDATION

Approve the attached Resolution appointing Carol Krager ad Deputy City Recorder.

INFORMATION SUMMARY

In order to assure continuity of the job functions and services provided by the office of City Recorder, Deputy Recorders are appointed to serve in the absence or unavailability of the City Recorder. Carol Krager was hired by the Finance Department to fill the position vacated by Greer Gaston (half-time City Recorder support, half-time Records/Court support). Ms. Krager will attend Council meetings periodically to fill in when Ms. Wheatley is absent. In addition, Ms. Krager assists with Council packet preparation, meeting follow-up, and local election support.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

2006 Council Goal: Improve Communication and Relationship with Citizens

Tigard Beyond Tomorrow: Communication #1: The City will maximize accessibility to information in a variety of formats, providing opportunities for input on community issues and effective two-way communication. Designating a Deputy City Recorder better serves the community by providing another resource ensuring continuity of service relating to Council meetings and City elections.

ATTACHMENT LIST

N/A

FISCAL NOTES

This position is budgeted full-time and supports the City Recorder and Records functions. Duties include taking meeting minutes, preparing council packets and agendas and city elections support. Ms. Krager also provides backup for the Senior Records Clerk and assists in Court as bailiff.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 06-\_\_\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING CAROL KRAGER AS  
DEPUTY CITY RECORDER

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WHEREAS, the office of the City Recorder is held by Catherine Wheatley; and

WHEREAS, it is necessary from time to time for the City Recorder to be absent from City Hall; and

WHEREAS, it would be beneficial during such times when the City Recorder is absent to have individuals appointed as Deputy Recorder to assure continuity of service to the public, Mayor, City Council and staff; and

WHEREAS, Carol Krager has been employed by the City of Tigard to provide staff support in the City Finance Department.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Carol Krager is named as Deputy City Recorder. By virtue of this office, she is empowered by the City Council to act as City Recorder at any time in the absence or unavailability of the City Recorder, Catherine Wheatley.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD  
AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of the FY 2005-06 PMMP (Pavement Major Maintenance Program) – Phase 2

PREPARED BY: GB G. Berry DEPT HEAD OK CPD CITY MGR OK EUM for CP

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the contract award for construction of the FY 2005-06 PMMP (Pavement Major Maintenance Program) – Phase 2?

STAFF RECOMMENDATION

That the Local Contract Review Board, by motion, approve the contract award to Morse Bros, Inc. in the amount of \$289,848.60 and authorize a ten percent contingency amount of \$28,984.86 for a total project authorization of \$318,833.46.

INFORMATION SUMMARY

The PMMP is a yearly program of corrective and preventative maintenance on all streets in Tigard. The program helps to extend the life of the pavement structure, delay the need for more extensive and costly rehabilitation and improve other desirable characteristics, such as safety and smoothness. The FY 2005-06 PMMP is divided into two phases: Phase 1 completed the paving on fourteen streets at various locations in the City during the summer of 2005; Phase 2 covers paving work on the following streets:

Greenburg Road (Tiedeman Avenue to Center Street)  
78th Avenue (Pfaffle Street to Highway 99W)

This project was advertised for bids on February 21, 2006 in the Daily Journal of Commerce and on February 23, 2006 in The Times. A project addendum was issued to revise the permitted time periods for work. The bid opening was conducted on March 7, 2006 at 2:00 PM and the bid results are:

Morse Bros., Inc.	Sherwood, OR	\$289,848.60
Kodiak Bengel Construction	Tualatin, OR	\$297,297.00
Brix Paving Co.	Tualatin, OR	\$310,528.73
Eagle-Elsner, Inc.	Tigard, OR	\$321,279.03
KF Jacobson & Co.	Portland, OR	\$330,897.48
Baker Rock Crushing Co.	Beaverton, OR	\$339,681.51
Engineer's Estimate		\$446,717.00



The lower than expected bids are believed to be due to favorable bidding conditions created by requesting bids early in the year. The bids items, especially for AC (asphaltic concrete) pavement, were expected to be high because of the continuing high prices for oil and gas. However, the bid item prices in the bids submitted were relatively low throughout, which is fortunate but cannot be relied upon to remain low in future bids. As a result of the relatively low bids, sufficient funding is expected to be available to add pavement overlays on SW 136<sup>th</sup> Avenue south of Walnut Lane, Tigard Drive at 116<sup>th</sup> Avenue and 72<sup>nd</sup> Avenue to the project through a contract amendment.

Based on the bids submitted, the lowest responsive bid of \$289,848.60 submitted by Morse Brothers, Inc. appears to be reasonable. Staff recommends approval of the contract award for the bid amount plus authorization for a ten percent contingency amount of \$28,984.86 to be used as necessary for unforeseen situations that may arise during construction. The total amount authorized for this project is therefore \$318,833.46.

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#### OTHER ALTERNATIVES CONSIDERED

None

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#### COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None applicable.

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#### ATTACHMENT LIST

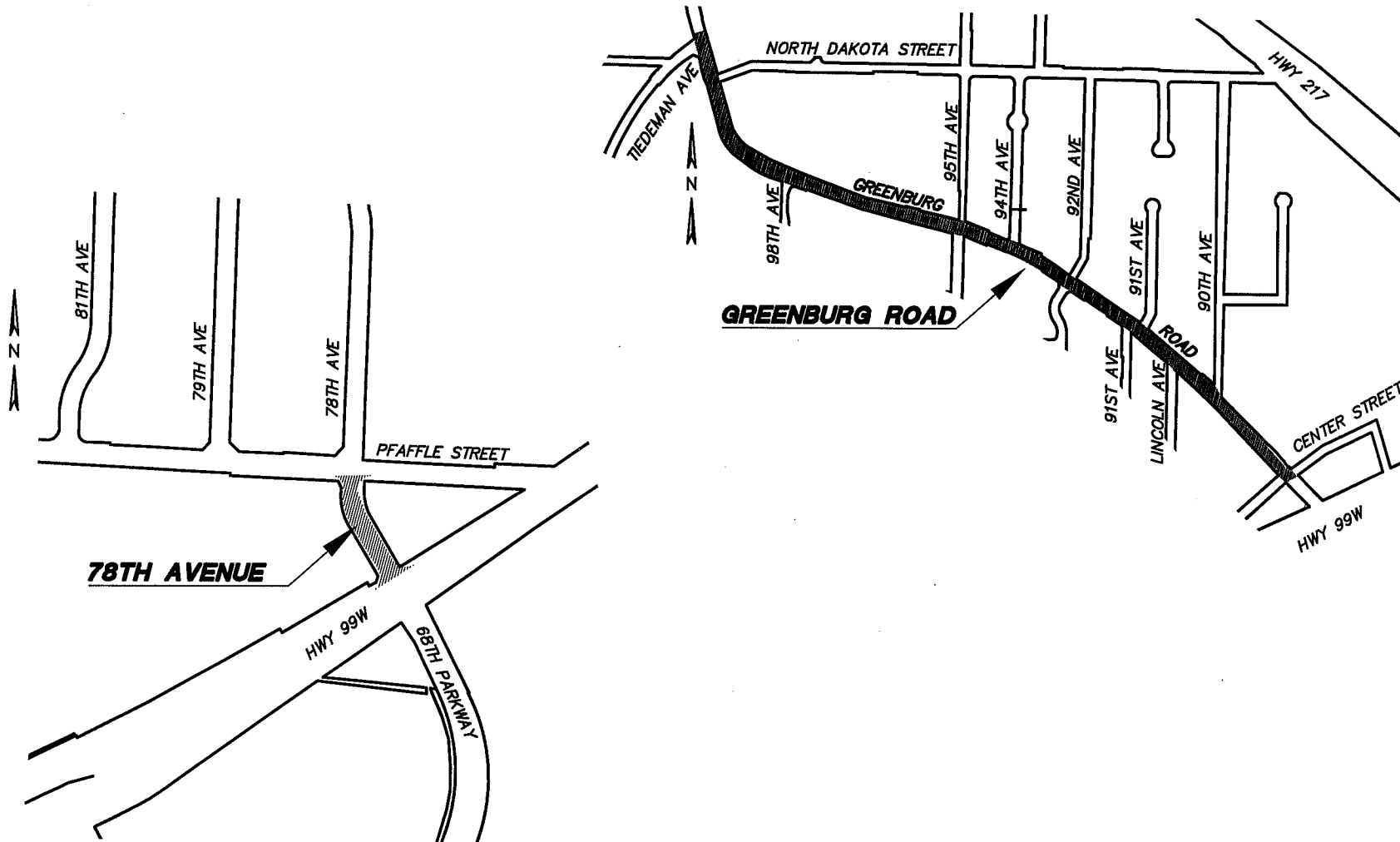
Project location map.

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#### FISCAL NOTES

In anticipation of high bid prices and to extend the project limits on Greenburg Road, City Council increased FY 2005-06 CIP Street Maintenance Fee Fund funding from \$725,000 to 805,500 on February 14, 2006 through Resolution 06-05. The Phase 1 contract was completed for \$268,934.52. The remaining amount is sufficient to award the contract of \$318,833.46 to Morse Bros. Inc.

**FY 2005-06 PAVEMENT MAJOR MAINTENANCE PROGRAM - PHASE 2**  
**ASPHALTIC CONCRETE OVERLAY**  
**(GREENBURG ROAD & 78TH AVENUE LIMITS OF PAVING)**



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD  
AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of Highland Drive Storm Drainage Improvements

PREPARED BY: Vannie Nguyen DEPT HEAD OK: Agustin P. Duenas CITY MGR OK: Craig Prosser

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Should the Local Contract Review Board approve the contract award for the construction of Highland Drive Storm Drainage Improvements?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **NW Kodiak Construction** in the amount of **\$ 201,697.58** and authorize an additional amount of \$20,169.76 to be reserved for contingencies and applied if needed as the project goes through construction. The total amount committed to the project is therefore \$221,867.34.

INFORMATION SUMMARY

The City of Tigard's television inspection reports identified major segments of the existing storm drain pipes on Highland Drive from 109th Avenue to approximately 1,100 feet east of the Highland/109th intersection that are seriously damaged. The existing 12-inch pipes have been crushed in numerous places and are beginning to fail. This project proposes to either remove or abandon the existing pipes by pumping a mixture of highly flowable lean concrete mix into the pipes to prevent undermining of the pavement.

After removing the existing pipes, the contractor is required to install approximately 1,400 lineal feet of new pipes, 10 catch basins and 8 manholes on the street. Existing roof drains will be reconnected to the new pipes to allow for proper drainage from adjacent properties. Construction of the storm drainage improvements will be combined with the pavement overlay proposed for the street in the FY 2005-06 CIP. Construction coordination would be more efficient if both projects are handled simultaneously by the same contractor.

The project was advertised for bids on February 28, 2006 in the Daily Journal of Commerce and March 2, 2006 in the Times. A project addendum was issued to revise the quantity of the "Abandon Storm Drain - In Place" pay item. The bid opening was conducted on March 14, 2006 at 2:00 PM and the bid results are:

NW Kodiak Construction	Lake Oswego, OR	\$201,697.58
Dunn Construction	Gresham, OR	\$209,927.00
Kerr Contractors	Woodburn, OR	\$230,124.75
Paul Lambson Contracting	N. Bonneville, WA	\$230,123.00
Kodiak Bengé Construction	Tualatin, OR	\$251,993.35
Eagle-Elsner, Inc.	Tigard, OR	\$279,031.70
<b>Engineer's Estimate</b>		<b>\$192,000</b>

The lowest bid amount of \$201,697.58, submitted by NW Kodiak Construction, includes \$140,765.46 for the storm drainage improvements and \$60,932.12 for the asphaltic concrete overlay. This responsible bid appears to be reasonable. Staff recommends approval of the contract award plus ten percent contingency amount of \$20,169.76 to be used as necessary for unforeseen situations that may arise during construction. The total amount authorized for this project is therefore \$221,867.34.

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OTHER ALTERNATIVES CONSIDERED

None

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COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

This project meets the Tigard Beyond Tomorrow Transportation and Traffic Goals of "Improve Traffic Flow and Safety".

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ATTACHMENT LIST

Project Location Map

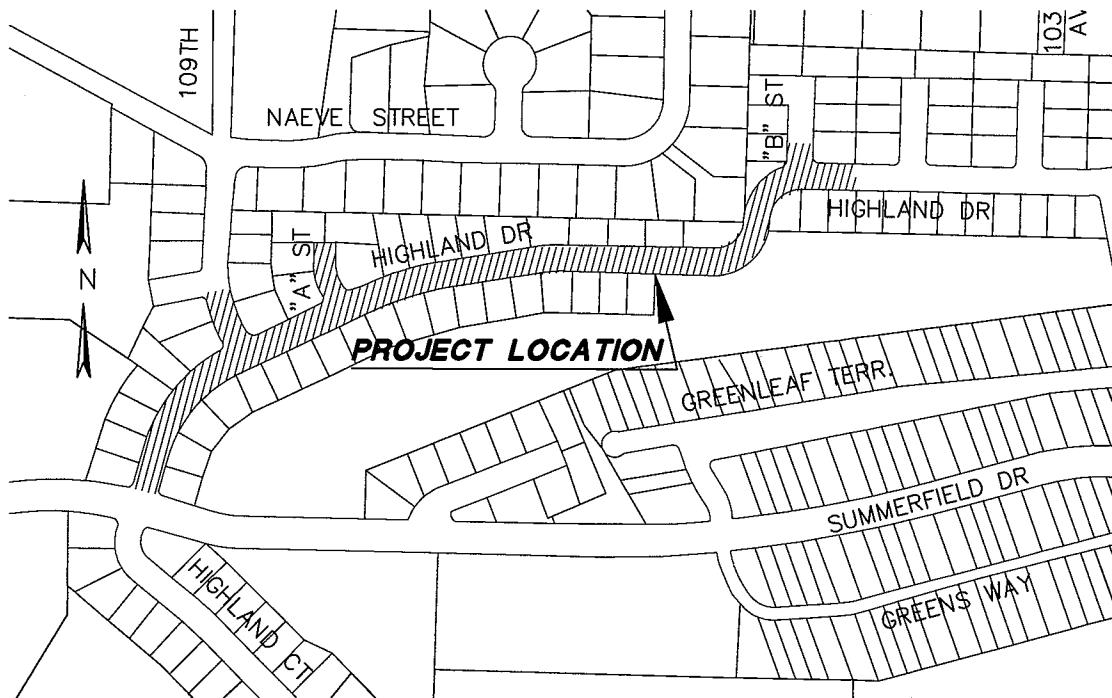
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FISCAL NOTES

This project is funded from the Storm Sewer Fund and the Street Maintenance Fee Fund in the FY 2005-06 CIP. The funding amount of \$150,000 in the Storm Sewer Fund is sufficient to finance the storm drainage improvements of \$140,765.46 submitted by the lowest bidder.

The Street Maintenance Fee Fund has a budget of \$805,500 for Pavement Maintenance projects. Approximately \$672,000 has been either expended or obligated on projects leaving \$133,500 in the fund balance. This remaining amount is adequate to fund the pavement overlay work of \$60,932.12.

# HIGHLAND DRIVE STORM DRAINAGE IMPROVEMENTS & ASPHALTIC CONCRETE OVERLAY SUMMERFIELD DRIVE TO 1100' EAST



## PROJECT LOCATION MAP

NOT TO SCALE

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF 03/28/06

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE 2006 US Department of Justice / Edward Byrne Memorial Justice Assistance Grant (JAG)

PREPARED BY: Lt. Rick Rhodes DEPT HEAD OK WMP CITY MGR OK 9AM for CP

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ISSUE BEFORE THE COUNCIL

The issue before the Council is to hold a public hearing where the grant details will be reviewed, and then to allow the public an opportunity to offer comment.

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STAFF RECOMMENDATION

Staff recommends Council hearing take place.

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INFORMATION SUMMARY

The Department of Justice has once again announced that the City of Tigard is eligible to receive grant money by way of the 2006 US Department of Justice / Edward Byrne Memorial Justice Assistance Grant (JAG). This program allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The funding distribution is based on population and crime statistics as well as law enforcement expenditure data. This year's grant amount has been determined to be \$12,001.

The grant requires a public hearing, wherein the details of the grant are to be reviewed. The public is then to have an opportunity to make comment on the grant and its proposed use. These funds cannot be used to supplant any existing funds for program activities and cannot replace, or supplant, nonfederal funds that have been appropriated for the same purpose. The program the Police Department has developed is currently not funded in the budget.

The program we will be funding is called Patrol Car Connectivity Support. This program will allow for the purchase of Cellular AIR cards that will be installed in each of the Police Department's patrol vehicle computers, allowing for constant and uninterrupted data communications. Recently Tigard and Beaverton have been having spotty data transmission coverage as a result of the 800 MHz shortcomings; and Hillsboro, who also was having difficulty, found this solution to correct the problem. The grant funds will also cover the cost of service for the cards for one year.

The purchase of these cards also provides an additional benefit that cannot be provided through the 800 MHz system. It allows for applications to be accessed in the patrol vehicle that are web-based, allowing officers to access digital mug photographs, access regional criminal information system, and to securely transmit and receive patrol case reports and other documents.

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OTHER ALTERNATIVES CONSIDERED

If, during the life of this grant, connectivity issues are corrected through Washington County Consolidated Communications Agency (WCCCA), then a reallocation of funds will be requested through the Department of Justice to fund an alternative project.

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COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Public Safety Goal # 1: The community residents, business owners, and service providers understand their roles through effective communication to successfully enhance public safety and emergency services.

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ATTACHMENT LIST

Attachment 1: Grant Application Program Narrative

Attachment 2: Grant Budget Description

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FISCAL NOTES

There is no match required for this grant award.

**U.S. Department of Justice  
Bureau of Justice Assistance  
Edward Byrne Memorial Justice Assistance Grant  
(JAG)**

**PROGRAM NARRATIVE**

**City of Tigard  
Police Department  
Tigard, Oregon**

**Patrol Car Connectivity Support**

The City of Tigard Police Department seeks funding support for patrol car connectivity to the dispatch center and the Internet.

**PROJECT BACKGROUND**

The Tigard Police Department obtains dispatching services from the Washington County Consolidated Communication Agency (WCCCA). In 2005 the Tigard Police Department replaced all the mobile data computers and connectivity equipment in order to become compliant with the new Central Justice Information Services (CJIS) law enforcement data security requirements.

By policy, WCCCA identified the recommended communications platform through which the data was to be transferred back and forth between the patrol car and the dispatch center and encouraged all law enforcement agencies in Washington County to use this platform (IP radio modem/router).

Six months after the installation our patrol cars are still not receiving data consistently and the patrol officers and supervisors are experiencing frequent difficulty logging on to the system. This problem is endemic throughout the county and has been resolved by one city in Washington County using a cellular solution.

**CONNECTIVITY ISSUES RESOLVED**

The PD requests funding support which facilitates the transition to another platform which has proven to solve the connectivity problems. We hope to transition to a cellular based communications platform to receive and transmit law enforcement data between the dispatch center and the patrol cars.

This cellular based platform has been approved by WCCCA, and is in use after extensive beta testing by another Washington County law enforcement agency. This platform provides demonstrated consistent connectivity, and much faster data transmission.

**ADDITIONAL BENEFITS**

Not insignificantly, this platform offers many other benefits the currently platform does not. Using cellular based connectivity the officers would have tools which are now only available to them in the patrol station. The cellular based platform would allow patrol officers and supervisors to:

1. obtain mug shots



2. access the regional criminal information system
3. securely transmit and receive patrol case reports and other documents

#### **SUPPORT OF THE CITY OF TIGARD PD INFORMATION TECHNOLOGY GOAL**

All of these functions support our information technology goal to provide our officers with tools so that they can conduct the majority of their work from the field, thereby improving visibility, response times, and our general level of service to the community.

Our agency operates at minimum staffing frequently and is seeing increased response times, approaching over 4 minutes for priority 1 calls; we contend the more often officers remain in the field, the better response times will be.

In summary, the transition to this separate platform will eliminate the difficulties we are having receiving and transmitting calls for service (and even logging in to the system) and provide tools which allow the officers to remain in the field, enhancing our service to the community.

**U.S. Department of Justice  
Bureau of Justice Assistance  
Edward Byrne Memorial Justice Assistance Grant  
(JAG)**

**BUDGET DESCRIPTION FOR 16 PATROL CARS**

**City of Tigard  
Police Department  
Tigard, Oregon**

<b>Item</b>	<b>Qty</b>	<b>Cost</b>	<b>Extended Cost</b>
Celluar AIR cards	16	\$10	\$160
Monthly Communications Fee for 12 months	16	\$720	\$11,520
		<b>TOTAL:</b>	<b>\$11,680</b>

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Further Consideration and Deliberation of a Resolution Adopting Additional Findings and Imposing an Additional Condition for the LUBA Remand of Ash Creek Estates Subdivision (SUB2003-00010/ZON2003-00003/PDR2003-00004/SLR2003-00005/VAR2003-00036/VAR2003-00037)

PREPARED BY: Dick Bewersdorff DEPT HEAD OK TC/jil CITY MGR OK eam for CP

ISSUE BEFORE THE COUNCIL

This is a Resolution that responds to the City Council direction to the City Attorney to provide a resolution and additional findings for the public hearing held February 28, 2006 regarding the Ash Creek Estates Subdivision.

STAFF RECOMMENDATION

It is recommended that the City Council approve the attached Resolution and additional findings and condition of approval supplementing Resolution 06-09 approving the Ash Creek Estates Subdivision.

INFORMATION SUMMARY

At its February 28, 2006 meeting, the City Council approved a Resolution (06-09) approving the Ash Creek Estates Subdivision. At that meeting, the Council requested the City Attorney's Office prepare a supplemental resolution and findings. The findings respond to both written and oral comments made at the public hearing. The additional condition states that: Applicant shall not remove or damage and shall protect the 23 trees specified in footnote 16 of the LUBA decision in accord with Conditions 55 through 58.

OTHER ALTERNATIVES CONSIDERED

Revise the findings.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management - Goal#1, Accommodate Growth while protecting the character and livability of the new and established areas.

ATTACHMENT LIST

Attachment 1: Proposed Resolution Adopting Findings and an Additional Condition, including Exhibit A.

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 06-\_\_\_\_\_

A RESOLUTION AND FINAL ORDER SUPPLEMENTING RESOLUTION 06-09 APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037) – ON REMAND FROM LUBA; AND ADOPTING ADDITIONAL FINDINGS AND IMPOSING AN ADDITIONAL CONDITION.

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WHEREAS, the City Council adopted Resolution 06-09 at its February 28, 2006 meeting relating to the Ash Creek Subdivision land use but continued the hearing to adopt additional findings;

WHEREAS, Resolution 06-09 accurately sets forth the procedural history of this matter;

WHEREAS, the Council has considered the proposed additional findings and condition proposed by staff;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution 06-09 and all findings and conditions included or incorporated into Resolution 06-09 remain in effect. This Resolution supplements, but does not otherwise amend Resolution 06-09. Resolution 06-09 and this resolution constitute the final decision of the City.

SECTION 2: The Council adopts the findings in the document entitled "ADDITIONAL FINDINGS AND CONDITION (MARCH 2006) ASH CREEK ESTATES SUBDIVISION SUB2003-00010/ZON2003-00003/PDR2003-00004/SLR2003-00005/VAR2003-00036-0037" attached hereto as Exhibit A, as additional findings, and imposes the additional condition of approval included in that document.

SECTION 3: This resolution is effective when notice of the decision is mailed.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

ADDITIONAL FINDINGS AND CONDITION (MARCH 2006)  
ASH CREEK ESTATES SUBDIVISION  
SUB2003-00010/ZON2003-00003/PDR2003-00004/SLR2003-00005/VAR2003-  
00036/VAR2003-00037

1. The Tigard City Council heard testimony on this matter at its February 28, 2006 meeting and closed the hearing. The Council adopted Resolution 06-09 approving the application with the findings and conditions recommended by staff, but also decided to continue the matter to March 28, 2006, for the adoption of additional findings and conditions.
2. This matter is on remand a second time from the Land Use Board of Appeals. The issue on this remand is limited to whether CDC 18.350.100B.3.a.1 is met as to 23 trees specified in the LUBA decision.

FINDINGS IN RESPONSE TO COMMENTS

2. The City received written comments from Bob Storer and oral and written comments from John Frewing.

*Response to Comments from Bob Storer*

3. Mr. Storer stated that he was not convinced that the developer or the contractors will comply with all of the conditions of approval and questions City monitoring of the proposed project. This comment is not relevant to the issue on remand. There is always a risk of non-compliance with conditions of approval, but the City does monitor development and has the authority to stop work if conditions are not complied with. The risk of non-compliance is not a basis for denial.
4. Mr. Storer argued that the standard is not being met because trees other than the 23 trees are being removed. This argument is outside the scope of the issue before the Council. Furthermore, LUBA has already affirmed the City's decision that the removal of other trees is consistent with the standard. This issue has already been decided and is no longer subject to challenge. In LUBA Case No. 2005-042, LUBA considered the tree plan that the applicant submitted to the City on the first remand. That plan illustrated the trees that would be preserved and the trees that would be removed. LUBA concluded that except for the 23 trees specifically identified, the tree plan complies with the City's requirement. LUBA's decision was affirmed by the Court of Appeals. Any argument concerning any trees other than the 23 trees identified by LUBA is outside the scope of the remand.
5. Mr. Storer argues that just because the development meets all standards does not mean that the application should be approved. In a quasi-judicial proceeding, however, the City is required to approve applications that meet all applicable criteria and may not

deny an application for reasons unrelated to applicable criteria. ORS 197.522.

6. Mr. Storer argues that the development should not be approved until all local, state and federal permits and other associated approvals have been obtained. Mr. Storer cites no authority for this proposition, and the argument is outside the scope of the remand. While the applicant must obtain all required permits, obtaining the permits does not need to occur prior to land use approval; it is sufficient that the approvals be obtained prior to the work.
7. Mr. Storer asks the Council to adopt more stringent standards. While the Council may adopt more stringent standards in the future, it must consider this application under the standards in effect at the time the application was filed. Adoption of more stringent standards is irrelevant to this application and decision.

*Response to Comments from John Frewing*

8. Mr. Frewing comments that although the map associated with the tree plan shows that the 23 trees will be protected, some of the text of the plan indicates they will be removed. The Council finds that the map controls over the text and that the 23 trees at issue will be protected. To ensure protection, the Council is adopting an additional condition of approval specifically requiring the protection of those 23 trees. Compliance with the condition is feasible – the applicant has indicated that those trees will be protected during construction.
9. Mr. Frewing has argued that some of the 23 trees have not been identified by species. Mr. Frewing made a similar argument to LUBA in the last remand and did not prevail. LUBA's decision was affirmed by the Court of Appeals. This issue has been decided against Mr. Frewing and he cannot raise it again. This argument is outside the scope of the remand. It is clear from the tree plan which trees are to be protected, and that is sufficient to satisfy the CDC 18.350.100B.3.a.1 standard.
10. Mr. Frewing argues that tree protection standards should be modified to be consistent with standards that have evolved and improved since the tree protection plan was originally prepared. This argument is outside the scope of the remand. Furthermore, the application is to be judged by the standards in effect at the time the application was first submitted – ORS 227.178(3)(a). Also, Mr. Frewing did not identify what changes in tree protection standards have occurred and did not provide any information that any changes in tree protection standards have become applicable standards or criteria in a land use application.
11. Mr. Frewing asked the City to require the applicant to confirm the purpose of fencing shown on the 9/22/05 drawing. This is outside the scope of the remand and not required by any applicable standard.

12. Mr. Frewing makes various arguments relating to trees other than the 23 trees designated for protection. These arguments are outside the scope of the remand. Whether any additional trees should be protected or whether protection for other trees shown to be protected is outside the scope of the remand.
13. Mr. Frewing argues that the City should expand the remand beyond the narrow issue remanded by LUBA. While the City has the authority to expand the scope of the remand, it is solely within the City's discretion whether to expand the scope beyond the issue remanded by LUBA. The City Council chose to limit the remand to the issue remanded by LUBA and that decision was within the scope of the City's discretion. LUBA explained the scope of the remand as follows: "On remand the city must explain why it is not possible to preserve the trees identified in footnote 16, or require that the tree plan be amended to preserve those trees." That is the only issue on remand, and the applicant has amended the tree plan to preserve those trees.
14. Mr. Frewing raised questions as to when the final decision needs to be made on remand. The applicant has agreed to an extension of time to make the decision, so this issue is moot.
15. Mr. Frewing also argued that ex parte contacts had occurred and that one or more Council members were biased. First, Mr. Frewing argued that there had been ex parte contact between one or more Council members and the developer relating to the donation of property from the developer to the City for park purposes. All Council members stated that they had not had any contacts with the applicant/developer and the City Manager stated that all contacts had been at the staff level. Representatives of the applicant also testified that there had been no ex parte contacts between the applicant or anyone associated with the applicant and any Council member regarding the property. The Council finds that there were no ex parte contacts as alleged by Mr. Frewing. Mr. Frewing based his allegations of ex parte contacts on a newspaper article in *The Oregonian* by Rick Bella. Mayor Dirksen stated that he had a discussion with Mr. Bella, but that Mr. Bella did not accurately report the Mayor's statements. There is no credible evidence of undisclosed ex parte contacts.
16. Mr. Frewing claims that the Council is biased because it is attempting to obtain open space for the City from the applicant. The City Manager stated that there have been discussions between staff and the applicant on this issue, but that no Council member was involved or informed of the discussions. All Council members stated that potential land acquisition by the City would play no role in their evaluation of the case and that they could judge the land use matter before them based on the facts and criteria. All members denied any bias. The Council finds that all Council members based their decisions on the facts presented in the land use process and applying the applicable criteria and standards, without other considerations. Given the narrow scope of remand and the revised tree plan showing protection of all 23 trees that were the subject of the remand, the only possible decision was approval.

### ADDITIONAL CONDITION

Applicant shall not remove or damage and shall preserve the 23 trees specified in footnote 16 of the LUBA decision in accord with Conditions 55 through 58.



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 36 (SW 93<sup>rd</sup> Avenue)

PREPARED BY: GB G. Berry DEPT HEAD OK afQuinn CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval, by motion, of the attached resolution forming the Reimbursement District.

INFORMATION SUMMARY

The proposed project would provide sewer service to twenty eight lots along SW 93rd Avenue, Elrose Court and Mountain View Lane south of McDonald Street. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee, currently \$2,635, before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. On December 14, 2005, staff met with owners to review project procedure, construction schedule and estimated costs. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Not applicable.

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## ATTACHMENT LIST

Attachment 1- Proposed Resolution

Exhibit A, City Engineer's Report

Exhibit B, Map (4 pages)

Attachment 2- Vicinity Map

Attachment 3- Communication Plan

Attachment 4- Notice to Owners

Attachment 5- Mailing List

Attachment 6- Resolution No. 01-46

Attachment 7- Resolution No. 03-55

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## FISCAL NOTES

The estimated cost of the project is \$566,305. This amount includes the estimated cost of construction plus an amount for the administration and engineering as defined in TMC 13.09.040(1).

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 06-\_\_\_\_\_

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 36 (SW 93RD AVENUE)

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WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 36 (SW 93rd Street) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1      The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 36," attached hereto as Exhibit A, is hereby approved.
- SECTION 2      A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 36, SW 93rd Avenue."
- SECTION 3      Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4      An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5      The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6      This resolution is effective immediately upon passage.

PASSED:      This \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

**Exhibit A**  
City Engineer's Report  
**Sanitary Sewer Reimbursement District No. 36**  
**(SW 93rd Avenue)**

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,635, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the twenty eight lots in the following table will require the extension of an existing sewer in SW McDonald Street south to Elrose Court and Mountain View Lane. Two of houses on Elrose Court are too low to be provided with gravity service to the basements. Using customary methods, the sewer cannot be installed at a sufficient depth to serve the basements of houses at 9195 and 9225 SW Elrose Court. To avoid excessive costs, the proposed sewer will only provide service to the upper floors of the houses. If an owner chooses to connect to the sewer, service to the basement will require pumping. Another option is to serve the upper floor with the sewer and continue to use the septic system to serve the basement. These two owners have been notified of this service limitation.

The proposed project would provide sewer service to a total of twenty eight lots as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the twenty eight lots is \$498,947. Engineering and inspection fees amount to \$67,358 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$566,305. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,635, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

### Reimbursement Rate

All properties are zoned R-4.5 but vary in lot size from about fifteen thousand to twenty seven thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

**Each property owner's estimated fair share of the public sewer line is \$1.16044 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).**

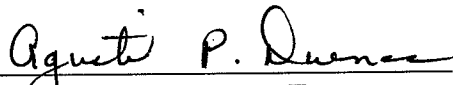
### Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

### Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted March 14, 2006

  
\_\_\_\_\_  
Agustin P. Duenas, P.E.  
City Engineer

I:\eng\2005-2006 fy cip\93rd ave ss reimb dist 36\city council formation\28-3-06 reimp dist 36 report app a.doc

93rd AVENUE  
Reimbursement District No. 36

*Cost Estimate*  
*February 24, 2006*

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	TOTAL ESTIMATED COST	PAID BY OWNER	PAID BY CITY
1	ALLEE ANGELA F & JACK C	9265 SW MOUNTAIN VIEW	2S111AB02000	17220.743	\$19,984	\$10,984	\$9,000
2	ANDRADE JORGE	9225 SW ELROSE CT	2S111AB01201	22762.447	\$26,415	\$17,415	\$9,000
3	BEARD JOHN D & LYNN C CO-TRS	9230 SW ELROSE CT	2S111AB01700	16682.516	\$19,359	\$10,359	\$9,000
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				<b>Totals</b>	<b>488007</b>	<b>\$566,305</b>	<b>\$314,305</b>

**PROJECT TOTAL (Cost to Owners + Cost to City) = \$566,305**

93rd AVENUE  
Reimbursement District No. 36  
*Cost Estimate Summary*  
*February 24, 2006*

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<b>Estimated Construction Cost</b>	<b>\$433,867</b>
15% contingency (construction)	\$65,080
<b>Estimated construction subtotal</b>	<b>\$498,947</b>
13.5% contingency (Admin & Eng)	\$67,358
<b>total project costs</b>	<b>\$566,305</b>
total area to be served (S.F.)	488,007
total cost per S.F.	\$1.16044442

The "Paid by Owner" column shows the estimated fee each owner is required to pay to connect to the sewer. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once the construction is complete and final costs are determined.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. This amount is shown in the "Paid by Owner" column. The remaining portion of the reimbursement fee that the owner will not be required to pay during this three year period is shown in the "paid by city" column.

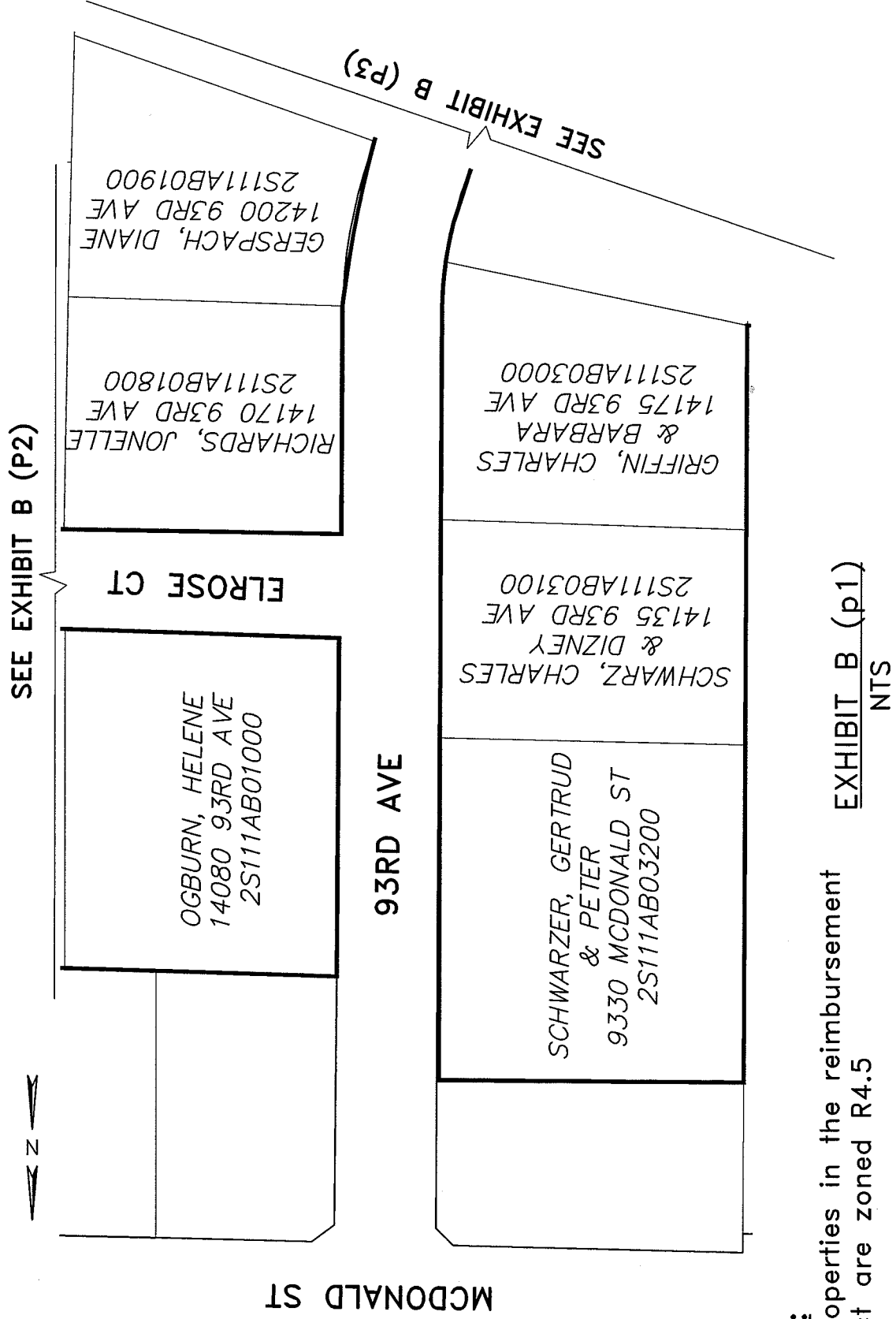
Please note that Resolution 01-46 also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee, currently \$2,635, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.



93RD AVE & MOUNTAIN VIEW LN  
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT #36

A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.

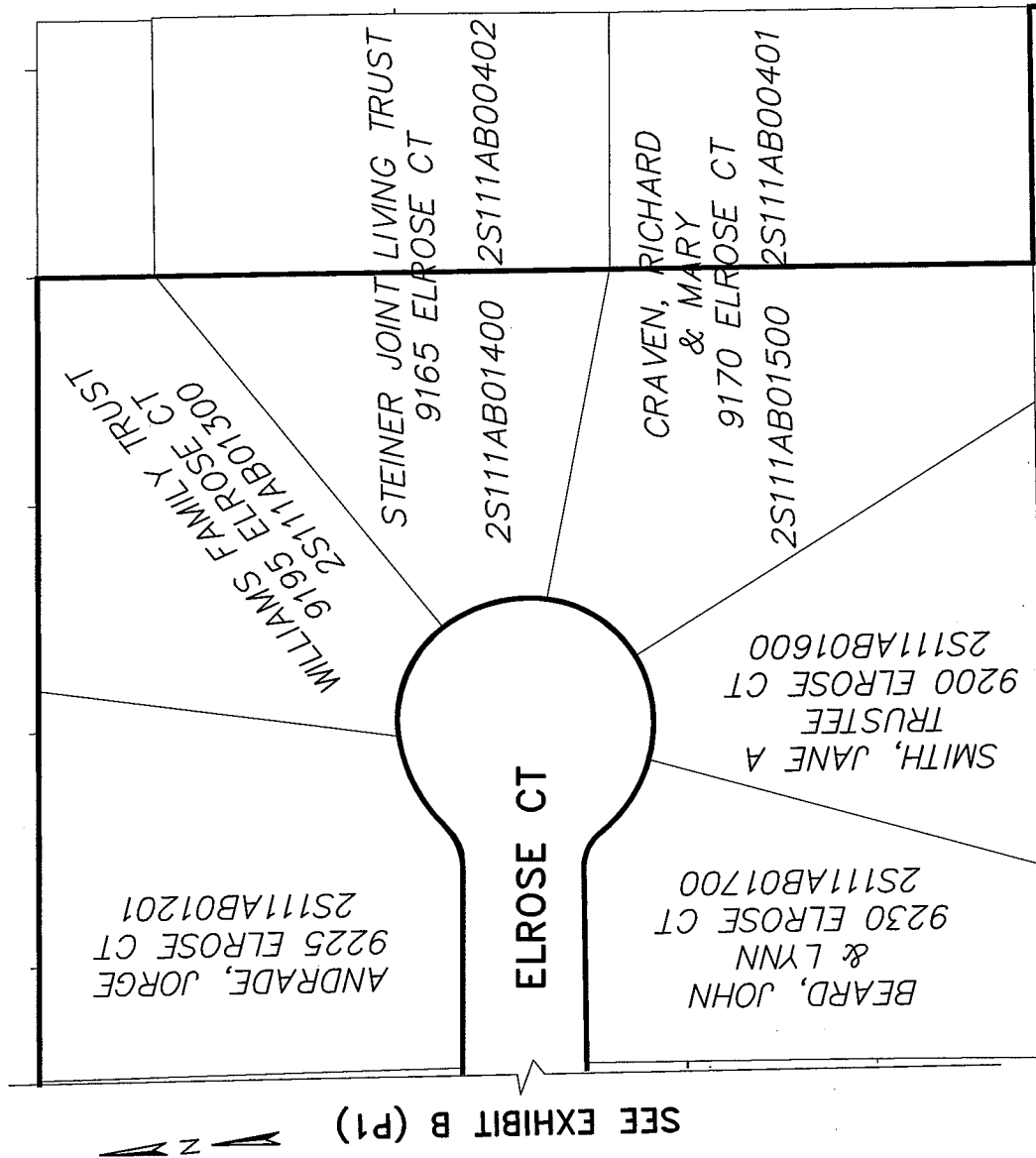


**NOTE:**

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (p1)  
NTS

93RD AVE & MOUNTAIN VIEW LN  
 FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
 REIMBURSEMENT DISTRICT #36  
 A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.

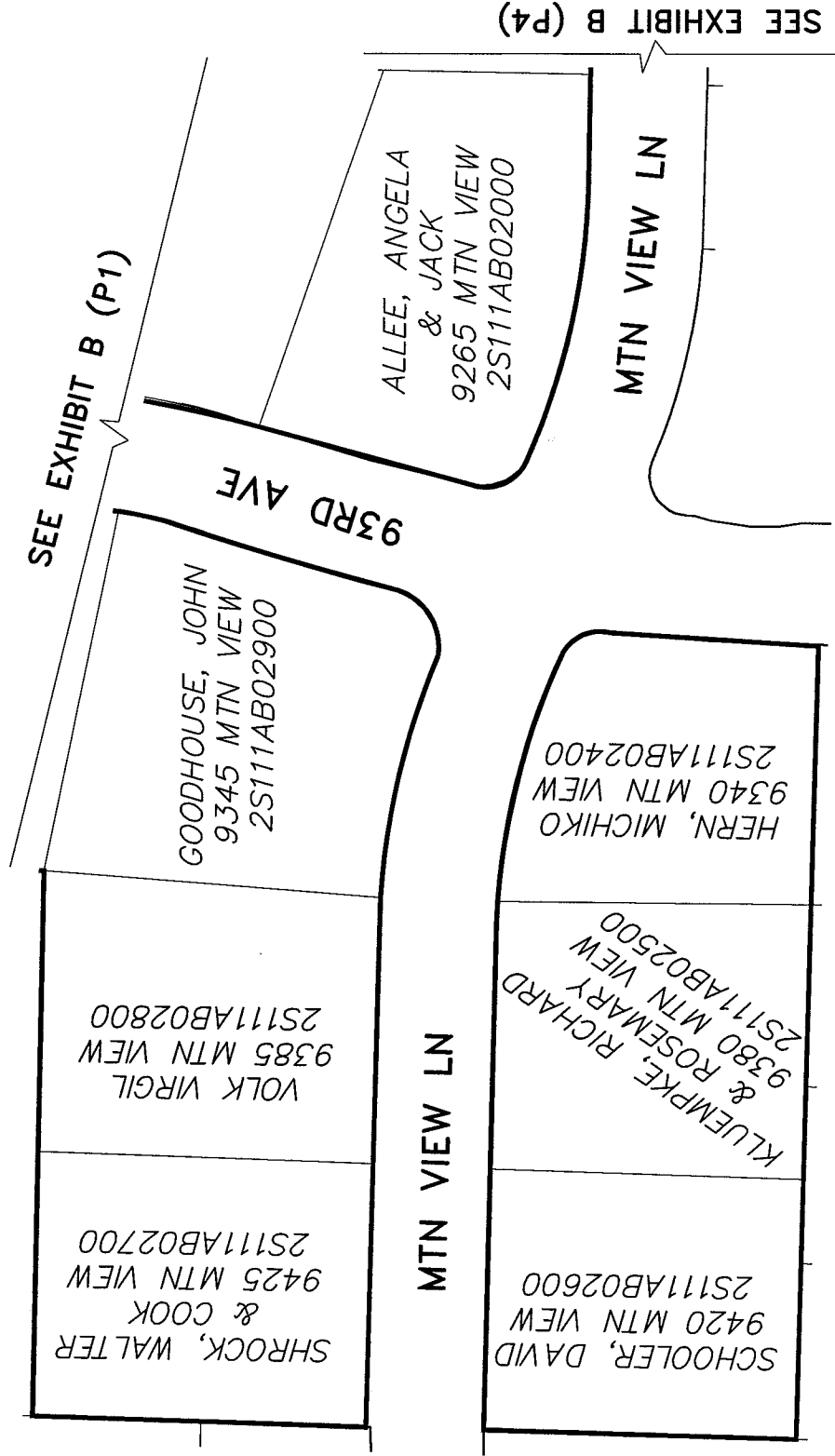


**NOTE:**  
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EXHIBIT B (p2)  
 NTS

93RD AVE & MOUNTAIN VIEW LN  
 FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
 REIMBURSEMENT DISTRICT #36

A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.



**NOTE:**

All properties in the reimbursement  
 district are zoned R4.5

EXHIBIT B (p3)  
 NTS

93RD AVE & MOUNTAIN VIEW LN  
 FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
 REIMBURSEMENT DISTRICT #36

A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.

FINCK, WILLIAM & MARILYN  
 9235 MTN VIEW  
 2S111AB02100

LINDSAY, ROY & CHARMAINE  
 9185 MTN VIEW  
 2S111AB02200

CAUFIELD, LARRY & JUDITH  
 9145 MTN VIEW  
 2S111AB02300

PETRIN, JEROME & BARBARA  
 9105 MTN VIEW  
 2S111AB00403

MADISON, JEFFREY  
 9033 MTN VIEW  
 2S111AB00201

MTN VIEW LN

JOHNSON, HELEN  
 9190 MTN VIEW  
 2S111AB03601

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 9150 MTN VIEW  
 2S111AB03602

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 9120 MTN VIEW  
 2S111AB03701

WEISHEIT, HENRY & BARTOLEMEA  
 9080 MTN VIEW  
 2S111AB03702

90TH AVE

GREENSWARD LN



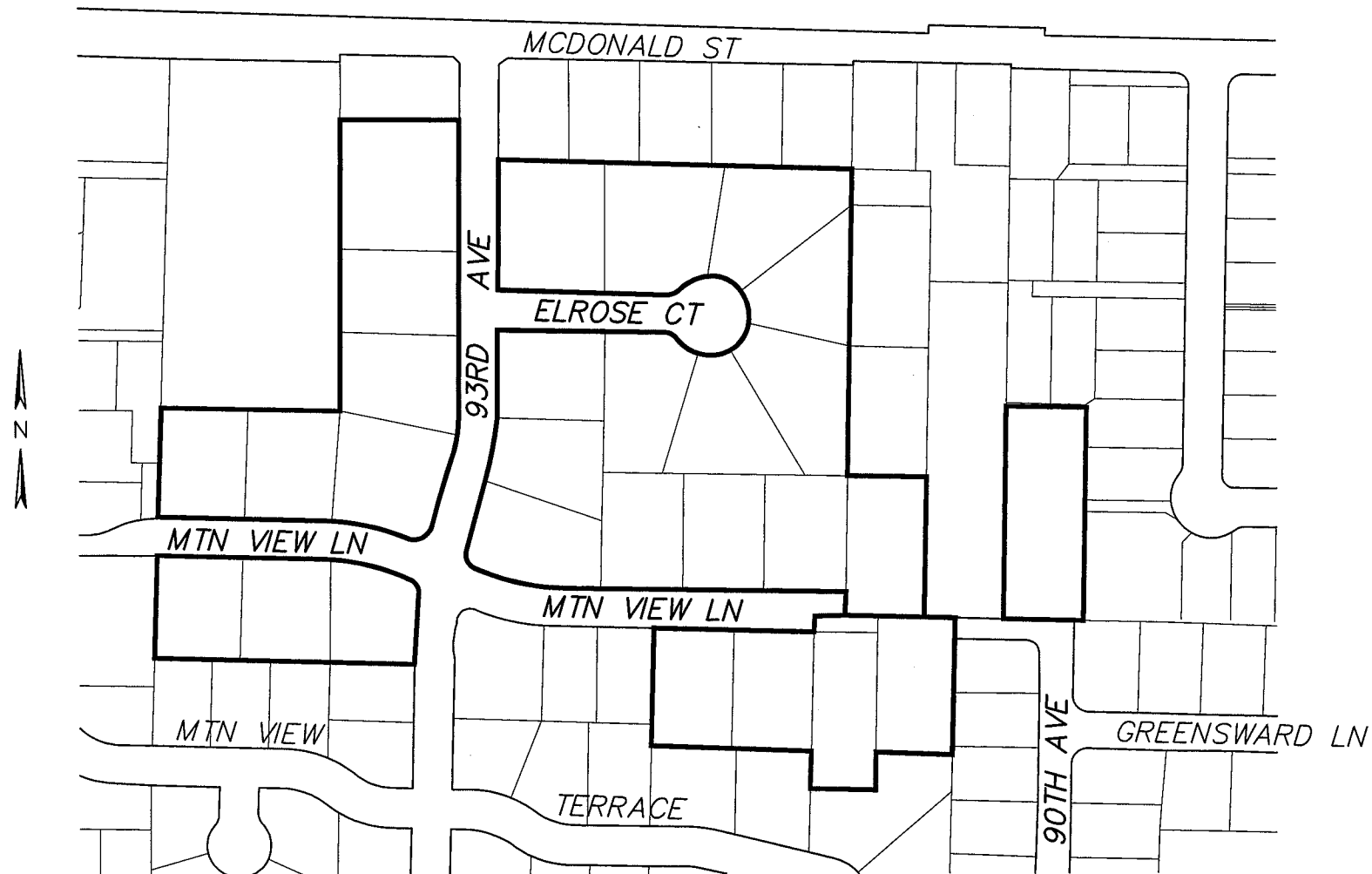
SEE EXHIBIT B (P3)

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EXHIBIT B (p4)  
 NTS

93RD AVENUE & MOUNTAIN VIEW LANE  
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT NO. 36  
A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.



VICINITY MAP

93rd AVENUE  
Reimbursement District No. 36

*Cost Estimate*  
*February 24, 2006*

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93rd AVENUE  
Reimbursement District No. 36  
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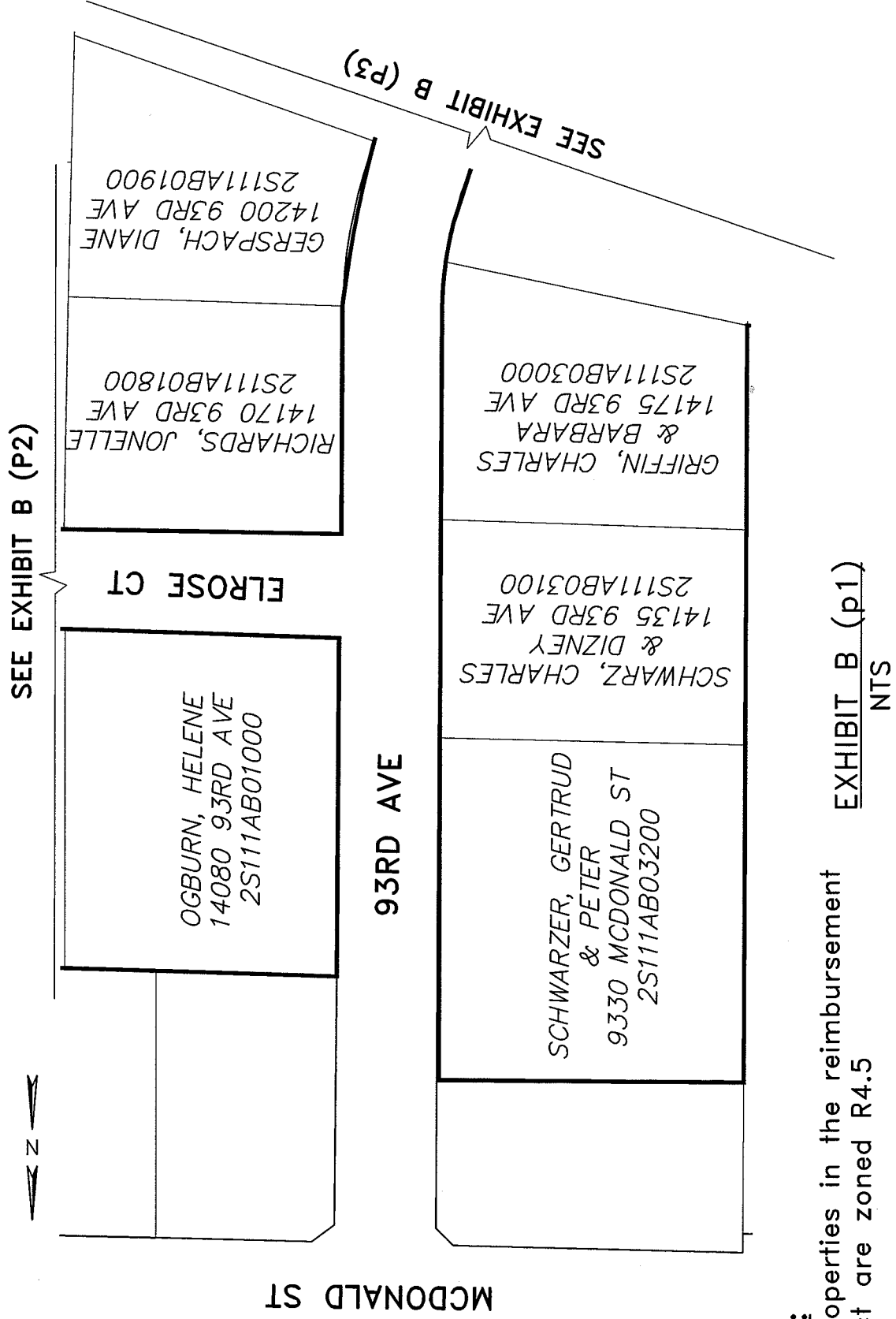
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93RD AVE & MOUNTAIN VIEW LN  
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT #36

A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.



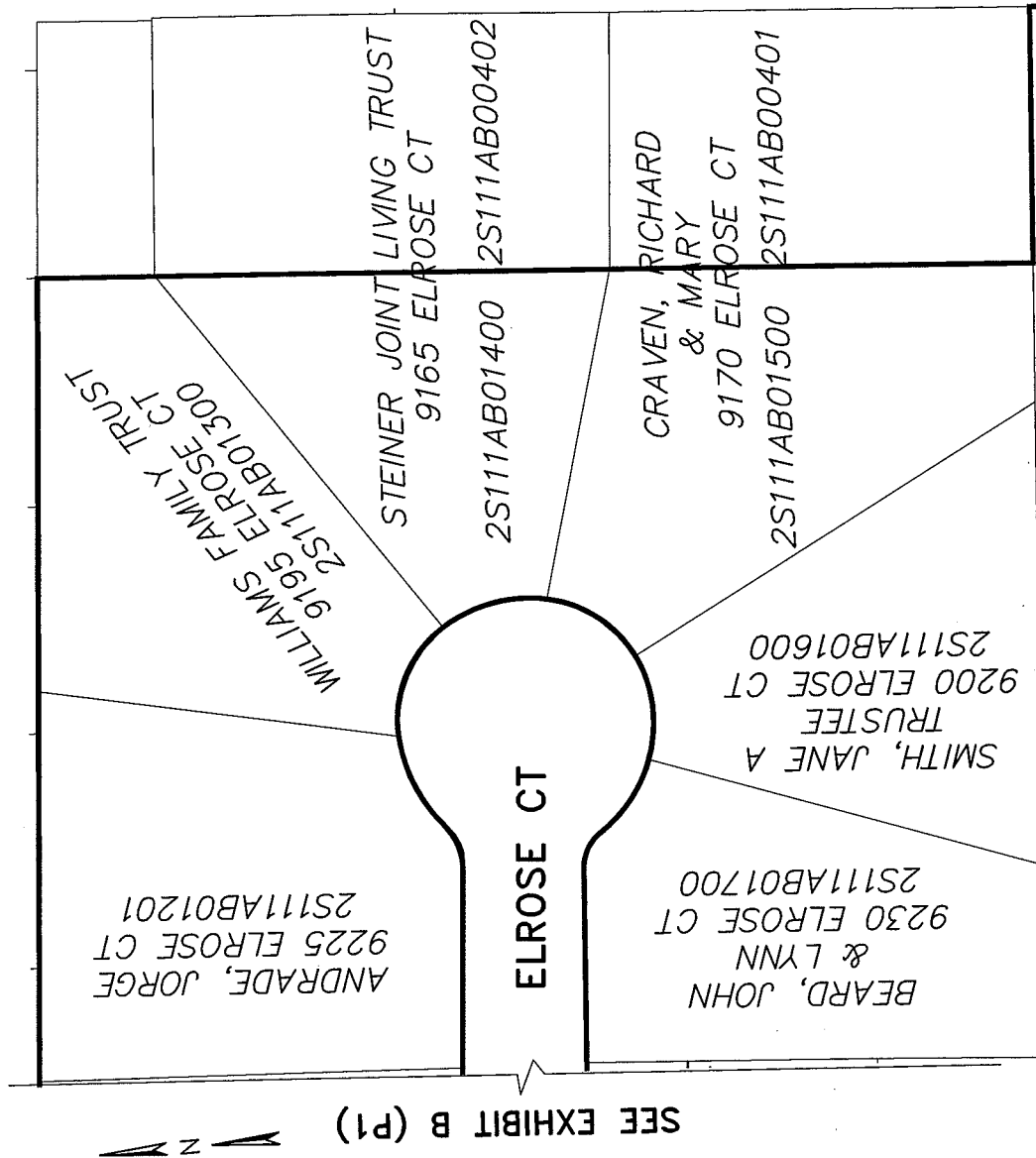
**NOTE:**

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (p1)  
NTS



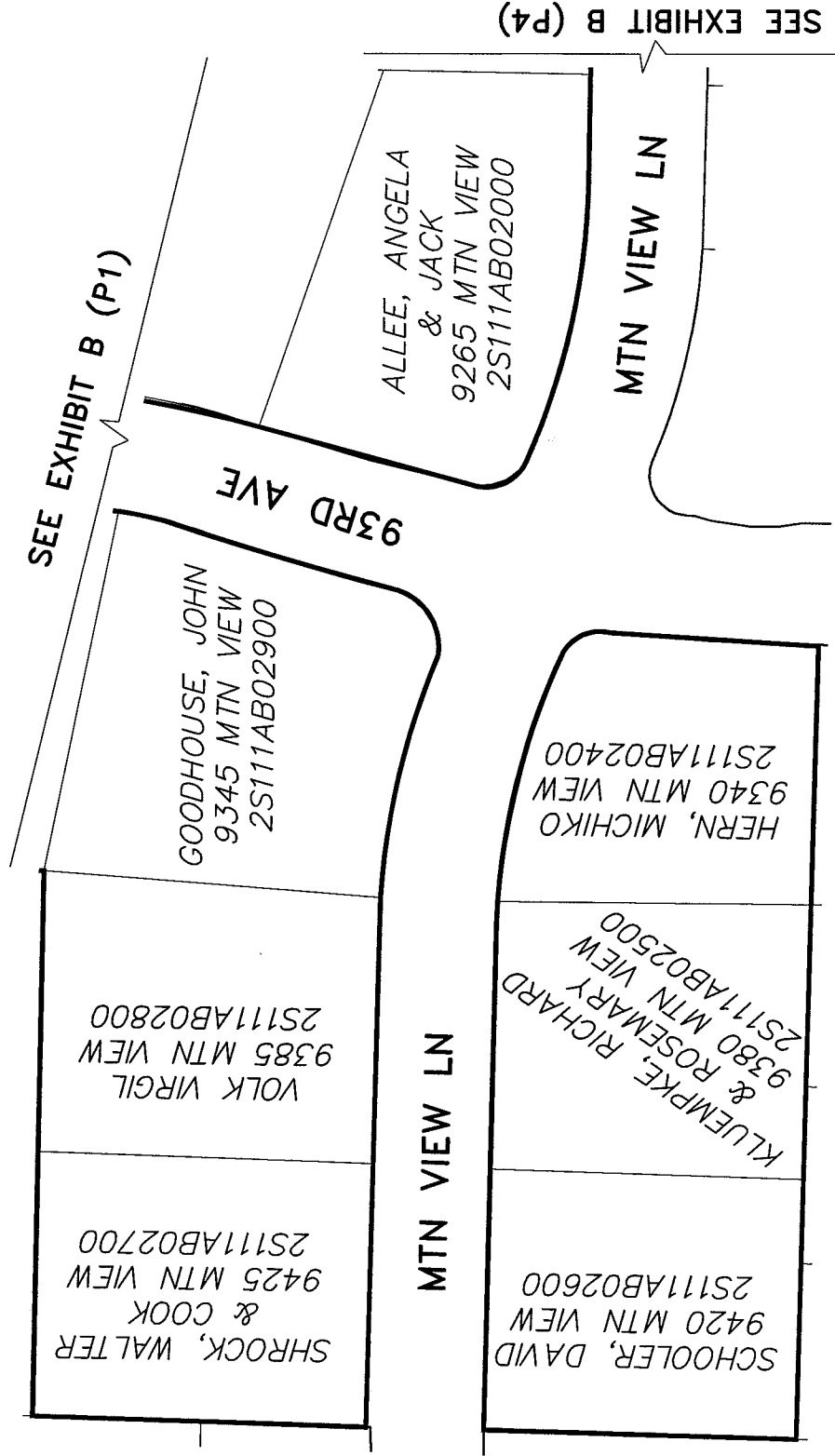
93RD AVE & MOUNTAIN VIEW LN  
 FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
 REIMBURSEMENT DISTRICT #36  
 A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.



**NOTE:**  
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 EXHIBIT B (p2)  
 NTS

93RD AVE & MOUNTAIN VIEW LN  
 FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
 REIMBURSEMENT DISTRICT #36

A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.



**NOTE:**

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EXHIBIT B (p3)  
 NTS

93RD AVE & MOUNTAIN VIEW LN  
 FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
 REIMBURSEMENT DISTRICT #36

A PORTION OF THE NE 1/4 OF SECTION 11 T2S R1W W.M.

FINCK, WILLIAM & MARILYN  
 9235 MTN VIEW  
 2S111AB02100

LINDSAY, ROY & CHARMAINE  
 9185 MTN VIEW  
 2S111AB02200

CAUFIELD, LARRY & JUDITH  
 9145 MTN VIEW  
 2S111AB02300

PETRIN, JEROME & BARBARA  
 9105 MTN VIEW  
 2S111AB00403

MADISON, JEFFREY  
 9033 MTN VIEW  
 2S111AB00201

MTN VIEW LN

JOHNSON, HELEN  
 9190 MTN VIEW  
 2S111AB03601

OSHIMA, DANIEL & WATTMAN, MARIAN  
 9150 MTN VIEW  
 2S111AB03602

MELLAND, ORVILLE & LOIS  
 9120 MTN VIEW  
 2S111AB03701

WEISHEIT, HENRY & BARTOLEMEA  
 9080 MTN VIEW  
 2S111AB03702

90TH AVE

GREENSWARD LN

SEE EXHIBIT B (P3)

**NOTE:**

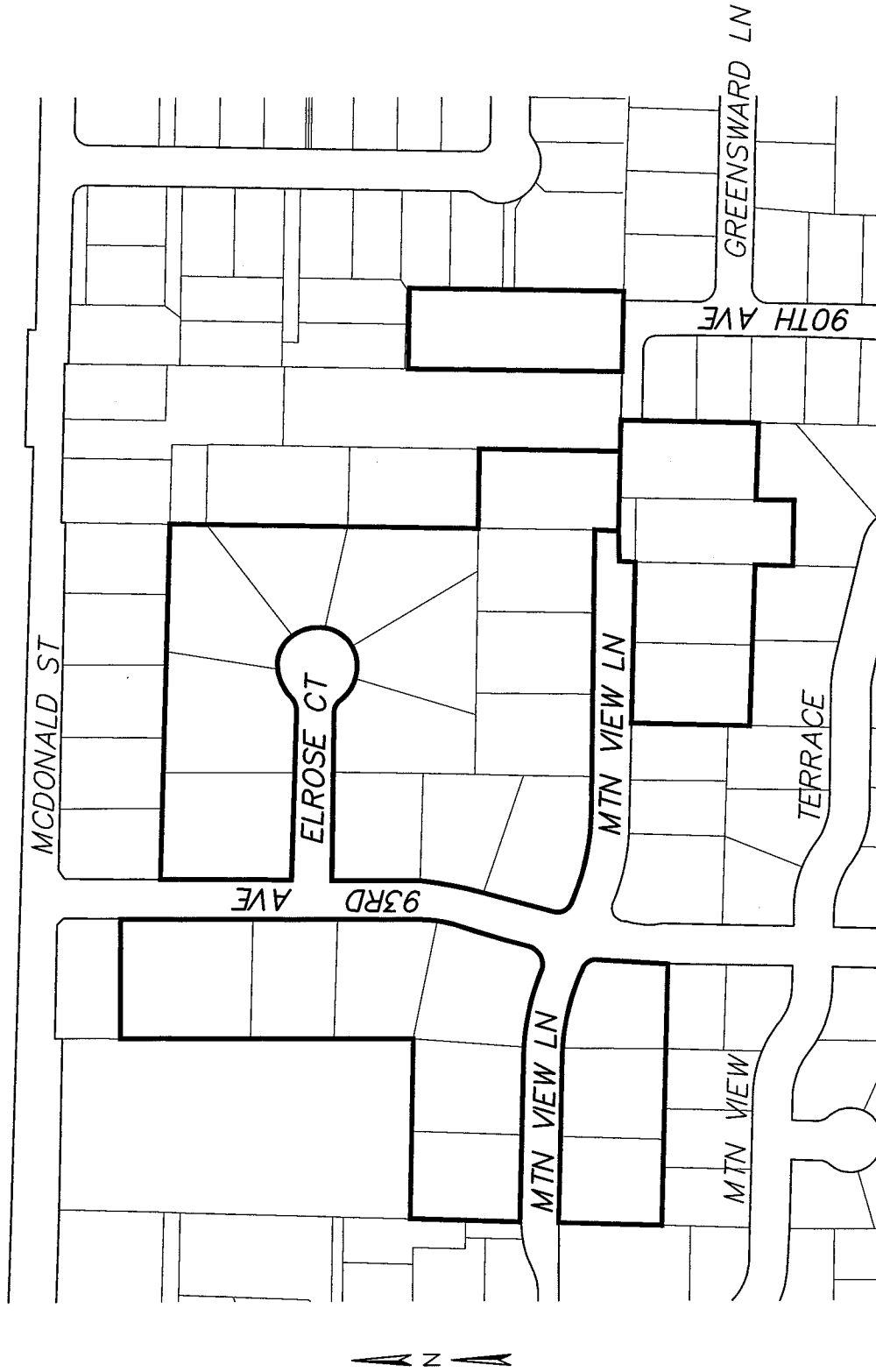
All properties in the reimbursement district are zoned R4.5

EXHIBIT B (p4)

NTS

93RD AVENUE & MOUNTAIN VIEW LANE  
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT NO. 36

A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.



VICINITY MAP

# Communications Plan

## SW 93<sup>rd</sup> Avenue Sanitary Sewer Extension

Attachment 3

**Goal:** Construction Sanitary Sewer Extension for Reimbursement District No. 36.

**Timeline:** FY 2005-06 Construction Season.

**Communication Goal:** To communicate to property owners within the Sanitary Sewer Reimbursement District the estimated cost of connecting to the public sanitary sewer line, the construction schedule, and final cost for the Reimbursement District.

Date	Item	Description	Responsibility
11/30/05	Neighborhood Meeting Notice	Mail Meeting Notice to property owners	Administrative Specialists
12/14/05	Neighborhood Meeting	Meet with property owners to explain procedure and to review estimated costs and construction schedule.	Engr. Manager Project Engr.
3/13/06	Hearing Notice	Mail Notice of formation of Reimbursement District to Property Owners	Administrative Specialists
3/28/06	Formation Hearing	City Council reviews and forms proposed Sanitary Sewer District	Project Engr.
3/29/06	Notice of Decision	Mail Notice of Decision to property owners within District	Administrative Specialists
4/4/06	Advertisement	Submit advertisement for bids to DJC and TT	Administrative Specialists
4/18/06	Bid Opening	Opening of Bids at public bid opening.	Engr. Manager Administrative Specialist
5/9/06	Award Bid	Send Notice of Award and contract documents to lowest bidder	Administrative Specialists
5/22/06	Pre-Construction Meeting	Meet with contractor to review project requirements	Construction Inspector
5/22/06	Notice to Proceed	Authorize contractor to begin work.	Administrative Specialists
5/24/06	Traffic Control Plan	Plan needs to be approved by construction inspector and project manager	Construction Inspector Engr. Manager
Throughout construction	Lateral Locations	Confirm location of laterals with property owners	Construction Inspector
Throughout construction	Construction Notice	Hang Construction Notice on doorknobs of property owners impacted by project	Construction Inspector Contractor
Throughout construction	Construction Inspection	Inspector is available to receive and respond to complaints	Construction Inspector
8/28/06	Notice to property owners of final hearing	Mail hearing notice, resolution, property owner cost to each property owner.	Project Engr. Administrative Specialists
9/12/06	Final hearing	Council approves final costs to owners	Project Engr.
9/13/06	Notice of sewer availability	Mail approved resolution with final costs to each property owner	Engr. Manager Administrative Specialists

Prepared by: G. Berry

Approved by: 

i:\eng\2005-2006 fy cip\93rd ave ss reim dist 36\city council formation\3-28-06 reim dist 36 communications plan.doc

March 13, 2006



# NOTICE

## Informational Hearing

NOTICE IS HEREBY GIVEN  
THAT THE **TIGARD CITY COUNCIL**  
AT A MEETING ON  
**TUESDAY, March 28, 2006 AT 7:30 PM**  
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER  
13125 SW HALL BLVD  
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

**Proposed Sanitary Sewer Reimbursement District No. 36.**  
(SW 93rd Avenue)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW 93rd Avenue.

*Both public oral and written testimony is invited.*

The public hearing on this matter will be conducted as required by  
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 718-2468 or at [www.tigard-or.gov](http://www.tigard-or.gov).

i:\eng\2005-2006 fy cip\93rd ave ss reimb dist 36\city council formation\3-14-06 reim dist 36 notice 1.doc

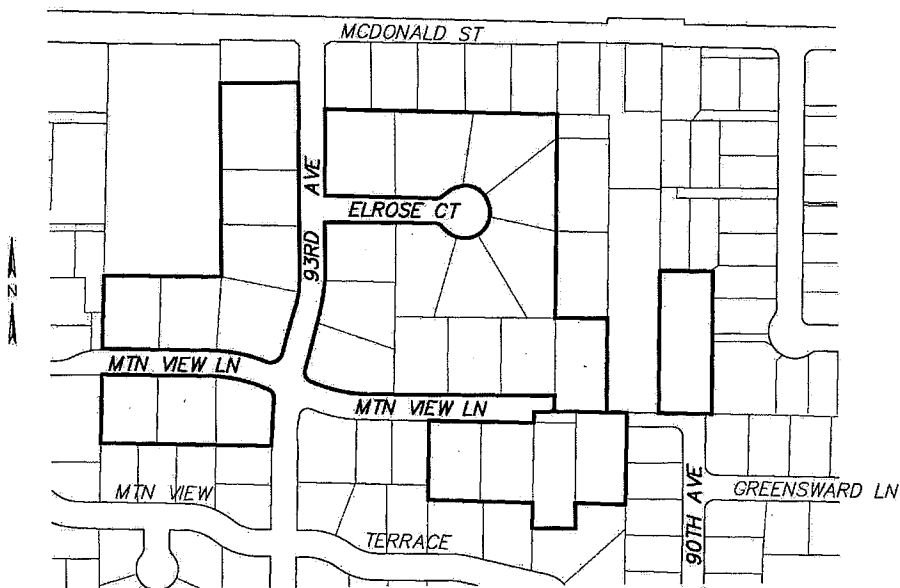
## Proposed Sanitary Sewer Reimbursement District No. 36 (SW 93rd Avenue)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service as described during the December 14, 2005 neighborhood meeting. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution No. 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee, currently \$2,635, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

### 93RD AVENUE & MOUNTAIN VIEW LANE FY 2005-06 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT NO. 36 A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.



VICINITY MAP

ANDRADE JORGE SR  
9225 SW ELROSE CT  
TIGARD, OR 97224

BEARD JOHN D & LYNN C CO-TRS  
9230 SW ELROSE CT  
TIGARD, OR 97224

CAUFIELD LARRY L & JUDITH M  
9145 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

CRAVEN RICHARD EARL  
18867 S FOREST GROVE LOOP  
OREGON CITY, OR 97045

FINCK WILLIAM R & MARILYN  
9235 SW MOUNTAIN VIEW LN  
TIGARD, OR 97223

GERSPACH DIANE JEANNINE  
14200 SW 93RD  
TIGARD, OR 97224

GOODHOUSE JOHN JAY  
9345 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

GRIFFIN CHARLES R AND BARBARA K  
14175 SW 93RD AVE  
TIGARD, OR 97224

HERN MICHIKO  
9340 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

JOHNSON HELEN M  
9190 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

KLUEMPKE RICHARD G AND  
9380 SW MOUNTAIN VIEW LN  
TIGARD, OR 97223

LINDSAY ROY L & CHARMAINE C TR  
9185 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

MADISON JEFFREY ALLAN  
9033 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

MELLAND ORVILLE E AND LOIS M  
9120 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

OGBURN HELENE N  
14080 SW 93RD AVE  
TIGARD, OR 97224

OSHIMA DANIEL K  
9150 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

PETRIN JEROME ALEX  
9105 SW MTN VIEW LN  
TIGARD, OR 97224

RICHARDS JONELLE M  
14170 SW 93RD AVE  
TIGARD, OR 97224

SCHOOLER DAVID K  
9420 SW MOUNTAIN VIEW LN  
TIGARD, OR 97223

SCHWARZ CHARLES  
14135 SW 93RD AVE  
TIGARD, OR 97224



SCHWARZER GERTRUD E & PETER H  
9330 SW MCDONALD  
TIGARD, OR 97224

SMITH JANE A TRUSTEE  
9200 SW ELROSE CT  
TIGARD, OR 97223

VOLK VIRGIL V RUTH  
9385 SW MOUNTAIN VIEW LN  
TIGARD, OR 97223

WILLIAMS FAMILY TRUST  
9195 SW ELROSE CT  
TIGARD, OR 97224

ZAFFINA RENNE & PATRICIA  
9240 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

SHROCK WALTER W  
9425 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

STEINER JOINT LIVING TRUST  
9165 SW ELROSE  
TIGARD, OR 97223

WEISHEIT HENRY B AND  
9080 SW MOUNTAIN VIEW LN  
TIGARD, OR 97224

ALLEE ANGELA F & JACK C  
9265 SW MOUNTAIN VIEW  
TIGARD, OR 97224

## CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

---

**WHEREAS**, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

**WHEREAS**, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

**WHEREAS**, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

**WHEREAS**, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

**WHEREAS**, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

**SECTION 2:** A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

**SECTION 3:** To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

RESOLUTION NO. 01-46

sewer connection.

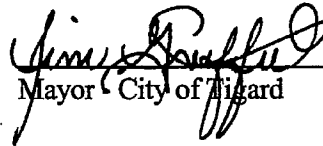
**SECTION 4:** The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

**SECTION 5:** Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

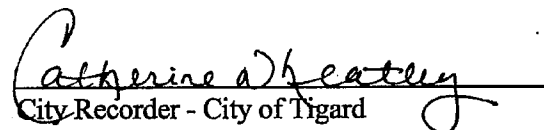
**SECTION 6:** The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

**EFFECTIVE DATE:** July 10, 2001

**PASSED:** This 10<sup>th</sup> day of July 2001.

  
Mayor City of Tigard

**ATTEST:**

  
City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

**TABLE 1**  
**Reimbursement Districts with Refunds Available**

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 <sup>TH</sup> & JOHNSON No.12	5,598	No reimbursement available	
100 <sup>TH</sup> & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 <sup>ST</sup> No.18	-	Amount to be reimbursed will be	Throo years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

\* Currently being constructed

**CITY OF TIGARD, OREGON****RESOLUTION NO. 03- 55****A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

---

**WHEREAS**, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

**WHEREAS**, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

**WHEREAS**, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.


**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

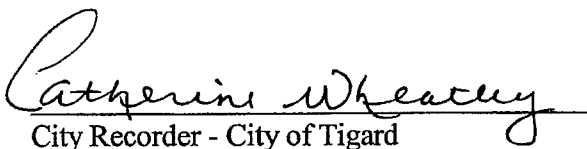
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

- SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.
- SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.
- SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14<sup>th</sup> day of October 2003.

  
\_\_\_\_\_  
~~Mayor - City of Tigard~~  
Craig E. Dirksen, Council President

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

H:\eng\reg\reimbursement districts\revisions res 01-48 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-48 res.doc

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Expressing City Council Support for Inclusion of Certain Key Projects in the 2008-2011 STIP (State Transportation Improvement Program)

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK EAM for CP

ISSUE BEFORE THE COUNCIL

Shall Council pass a resolution providing input into the draft 2008-2011 STIP (State Transportation Improvement Program) and expressing strong support for inclusion of certain key projects that are highly important to the City?

STAFF RECOMMENDATION

That City Council approve, by motion, the attached resolution expressing support for key projects in the draft 2008-2011 STIP and direct the timely submittal of the resolution to ODOT (Oregon Department of Transportation) before the public comment period ends on April 14, 2006.

INFORMATION SUMMARY

ODOT is requesting public input and comment on draft project lists for the 2008-2011 STIP. The STIP is ODOT's project funding and scheduling document. The draft STIP identifies high priority projects under consideration for funding in the 2008-2011 STIP. The projects in the draft STIP are listed under the following categories: modernization, preservation, safety and bridge.

There are certain key projects in the modernization, preservation and bridge categories that are extremely important to the City of Tigard. At its meeting of March 21, 2006, City Council discussed the project lists and directed the preparation of a resolution expressing support for those key projects. The attached resolution, if approved, will be transmitted to ODOT as Council's input into the draft STIP. The key projects include the following:

- Modernization category: Improvements to I-5 at the I-205 merge and at the Wilsonville interchange.
- Preservation category: Pavement inlay and overlay on Hall Boulevard within the Tigard City Limits.
- Bridge category: Replacement of the Highway 99W overpass adjacent to downtown Tigard.

These projects, if included in the final 2008-2011 STIP, would:

- enhance traffic movement into and out of the City
- provide better rideability and more efficient traffic flow along Hall Boulevard
- present a rare opportunity for the City to be involved in the design review of the overpass replacement project to improve entry into the Tigard downtown area

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### OTHER ALTERNATIVES CONSIDERED

N/A

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### COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The STIP projects within and around the Tigard area help meet the Tigard Beyond Tomorrow goals of “Improve Traffic Flow” and “Improve Traffic Safety.” The replacement of the 99W overpass provides an opportunity to directly support the 2006 Council goal to “Implement Downtown Plan.”

---

### ATTACHMENT LIST

1. A Resolution expressing support for key project in the draft 2008-11 STIP with attached Exhibit A listing the projects supported by Council
2. ODOT Region 1 150% Candidate Modernization Project List for 2008-2011 STIP
3. ODOT Region 1 Candidate Preservation Project List for 2008-2100 STIP
4. ODOT Region 1 Candidate Safety Project List for 2008-2011 STIP
5. ODOT Region 1 Draft Bridge Project List for 2008-2011 STIP

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### FISCAL NOTES

The project estimates are provided by ODOT as shown on the specific project lists. There is no City funding involved at this point on any of these projects.



CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 06-\_\_\_\_\_

A RESOLUTION PROVIDING CITY COUNCIL INPUT INTO THE DRAFT 2008-2011 STIP (STATE TRANSPORTATION IMPROVEMENT PROGRAM) AND EXPRESSING STRONG SUPPORT FOR INCLUSION OF CERTAIN KEY PROJECTS IN THE FINAL STIP.

---

WHEREAS, the STIP (State Transportation Improvement Program) is ODOT's (Oregon Department of Transportation) project funding and scheduling document; and

WHEREAS, ODOT is requesting public input and comment on the draft project lists for the 2008-2011 STIP; and

WHEREAS, the draft STIP projects are divided into categories under modernization, preservation, safety and bridge; and

WHEREAS, certain projects under the modernization, preservation, and bridge categories are important to this part of Region 1 and should be strongly supported for inclusion in the final STIP for 2008-2011; and

WHEREAS, two projects in the modernization category are focused on improvements to the I-5 corridor from Tigard to Wilsonville, which would improve traffic movement into and out of the City; and

WHEREAS, the preservation category includes a project to resurface Hall Boulevard within the Tigard City Limits from Scholls Ferry Road within the Washington Square Regional Center in the north to Durham Road in the southern end of the City; and

WHEREAS, the bridge category includes a project to replace the Highway 99W overpass adjacent to downtown Tigard, which presents a rare opportunity for the City to become actively involved in the design of the project to enhance the look of the overpass and to ensure better entry into the downtown from Tigard and Commercial Streets; and

WHEREAS, the Tigard City Council strongly supports the inclusion of those projects into the final STIP for 2008-2011; and

WHEREAS, the deadline for public input into the draft project lists is April 14, 2006.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: City Council strongly supports inclusion of the projects listed in the attached Exhibit A in the final 2008-2011 STIP.

SECTION 2: City Council requests that ODOT consider the enhancement of the Tigard downtown area in the replacement of the Highway 99W overpass. City Council further requests that ODOT include the City as an active participant in the design review to ensure that the appearance of the overpass is in harmony with the Tigard Downtown Plan and that placement of the piers enhance entry into the downtown area via Tigard and Commercial Streets.

SECTION 3: City Council authorizes the Mayor to transmit this resolution to ODOT, on behalf of the entire Council, prior to the public input deadline of April 14, 2006.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

i:\eng\gus\council agenda summaries\3-28-06 resolution expressing city council support for key projects in the draft 2008-11 stp res.doc

# Exhibit A

## Projects Recommended for Inclusion in the 2008-2011 STIP

### Modernization Projects

- **I-5 SB/ I-205 Merge: Acceleration Lane** (scheduled for 2010). This project constructs an acceleration lane at the merge of I-205/I-5 southbound for improved operations and safety. This project would reduce the severe backups experienced on I-5 adjacent to Tigard and should improve traffic movements into and out of the City.
- **I-5: Wilsonville Interchange** (scheduled for 2011). This project would improve the Wilsonville interchange with I-5. The bottleneck on I-5 extends from Tigard down to Wilsonville. South of Wilsonville, the traffic on I-5 moves much more freely. Any project that seeks to improve traffic flow on I-5 from Tigard to Wilsonville should be supported for funding.

### Preservation Projects

- **OR141 and OR210: Hall Blvd, Boones Ferry Road, Scholls Ferry Road** (scheduled for 2010 or 2011). This is a resurfacing project covering the full length of Hall Boulevard from Scholls Ferry Road near the Washington Square Regional Center to Durham Road. This project would improve the rideability and existing pavement condition on Hall Boulevard within the City Limits.

### Bridge Projects

- **OR99W over Portland/Western Railroad in Tigard** (scheduled for 2009). This project replaces the Highway 99W overpass over the railroad in Tigard. Freight mobility is the driving factor behind the replacement of this overpass. The existing overpass cannot take overweight loads and poses a barrier to movement of freight up and down the 99W corridor. The entire overpass was not constructed to deal with seismic activity and needs to be redesigned and replaced to meet current standards. This project presents a rare opportunity for the City to provide input on the placement of the piers to improve access to the Tigard downtown via Tigard and Commercial Streets. In addition, City participation in the design review may provide opportunities to enhance the appearance of the overpass, which should be aesthetically pleasing and in harmony with the Tigard Downtown Plan.

# ODOT Region 1 150% Candidate Modernization Project List for 2008-2011 Statewide Transportation Improvement Program (STIP)

Key Number	Project Name	150%	Pre-Estimate	Project Description	County	RTP #	Freight
<b>2008 Region 1 Allocation = \$19,362M +/- (DSTIP = \$1.5M)</b>							
13720	I-205/Mall Light Rail Unit 3	\$ 5,000	\$ 5,000	Capital funding for light rail project.	Clack/Mult.		
13957	US26: Staley's Junction Improvement	\$ 500	\$ 500	Interchange Improvements at US26 and OR47.	Washington		State Rt, OFAC
13762	Sellwood Bridge EIS (D-STIP)	\$ 1,500	\$ 1,500	Funding for EIS work.	Multnomah	1012	
13955	2008 PE, R/W and Utilities for I-5 Delta Park Phase 1	\$ 2,104		Funding for project development, right of way acquisition and utility relocations.	Multnomah		
12076	I-5: Delta Park Phase 1 (Victory Blvd. - Lombard St.)	\$ 16,000	\$ 67,000	Constructs third lane SB. Fully funds project programmed in the 2006-2009 STIP.	Multnomah		State Rt, OFAC
13957	US26: Staley's Junction Improvement	\$ 5,000	\$ 12,000	Fully funds project programmed in 2006-2009 STIP.	Washington		State Rt, OFAC
14030	I-84: Replace/Lengthen Bridge Structure MP64.44 (Hood River exit 64)	\$ 1,539	\$ 1,539	Fully funds an OTIA 3 Bridge replacement project on I-84 in Hood River at OR35.	Hood River	N/A	State Rt, OFAC
TBD	I-5: Delta Park Phase 2 (Access Improvements at Columbia Blvd)	\$ 9,000	\$ 60,000	Access improvements at I-5/Columbia Blvd. This phase funds protective right of way acquisition and begins preliminary engineering.	Multnomah	4006	State Rt, OFAC
	<i>Subtotal</i>	\$ 40,643	\$ 142,039				
<b>2009 Region 1 Allocation = \$17,199M +/- (DSTIP = \$0)</b>							
13759	Pedestrian & Bicycle Elements for Pres projects	\$ 1,000	\$ 1,000	Funds bicycle and pedestrian facilities for 2008-2011 STIP Preservation Projects.	Various		
13953	US26: Langensand Rd - Brightwood Loop Rd	\$ 1,400	\$ 1,400	Constructs safety improvements between mp27 and mp41.	Clackamas		State Rt
13964	2009 PE, R/W and Utilities for US26 Glencoe Road	\$ 3,117		Funding for project development, right of way acquisition and utility relocations.	Various		
12885	US26: Sunset Hwy @ Glencoe Road	\$ 6,000	\$ 26,000	Constructs new interchange at US26 and Glencoe Road. This phase funds preliminary engineering and protective right of way acquisition. Also funds PE and construction for Glencoe Rd (US26 - West Union).	Washington		State Rt, OFAC
TBD	US30: Widening at Van Street	\$ 1,700	\$ 1,700	Widens US30 and constructs a left turn lane to Van St.(Clatskanie).	Columbia	N/A	State Rt
TBD	US30: Widening at Tide Creek	\$ 1,100	\$ 1,100	Widens US30 and constructs a turn lane to Tide Creek. (Columbia City).	Columbia	N/A	State Rt
	<i>Subtotal</i>	\$ 14,317	\$ 31,200				
<b>2010 Region 1 Allocation = \$17,508M +/- (DSTIP = \$451k)</b>							
TBD	I-5 SB / I-205 Merge: Acceleration Lane	\$ 3,000	\$ 3,000	Constructs acceleration lane at merge of I-205/I-5 SB for improved operations and safety.	Washington		State Rt
TBD	US26: 185th Ave - Cornell Road Widening	\$ 19,500	\$ 19,500	Continues widening from Cornell Road to SW 185th.	Washington	3011	State Rt
TBD	Troutdale Marine Dr/Backage Road	\$ 7,900	\$ 7,900	Completes Interchange Area Management Plan and constructs a new 2-lane road from I-84 EB off ramp (Marine Dr.) to 257th. Project in local Transportation System Plan.	Multnomah	Amend	
	<i>Subtotal</i>	\$ 30,400	\$ 30,400				
<b>2011 Region 1 Allocation = \$17,508M +/- (DSTIP = \$451k)</b>							
TBD	US26: Springwater Interchange Phase 1	\$ 5,800	\$ 5,800	Constructs at-grade intersection to serve Springwater industrial area.	Multnomah	phase of 2051	State Rt
TBD	I-5: Wilsonville Interchange	\$ 10,500	\$ 25,000	Funds interchange improvements at I-5 and Wilsonville. Project to be phased.	Clackamas	6138	State Rt, OFAC
TBD	OR212/OR224 Sunrise Corridor	\$ 7,000	\$ 60,000	Funds preliminary engineering and protective right of way acquisition.			OFAC
	<i>Subtotal</i>	\$ 23,300	\$ 90,800				
	Candidate List of 150%	\$ 108,660	\$ 290,039				
	<b>Region 1 Modernization Target w/ DSTIP</b>	\$ 73,979		Region 1 Target = \$73.979M available for 08-11 STIP includes \$2.402M for DSTIP			
	<b>Bold = Projects funded in the 2006-2009 STIP</b>			<b>08/09 already programmed = \$14.621M</b>			

OFAC = Project identified on Oregon Freight Advisory Committee Recommendations for High Priority Freight Mobility Projects  
State Rt = Project on Oregon State Highway Freight System

\* Project cost based on planning level estimates and are subject to revision after project scoping.

January 24, 2006

**ODOT Region 1 Candidate Preservation  
Project List for 2008-2011 Statewide Transportation Improvement Program (STIP)**

Key Number	Project Name	Current STIP	Project Description	County
<b>2008 Region 1 Actual Allocation = \$10.729M</b>				
13715	US 26: E. Mountain Air Dr. - E. Lolo Pass Rd.	\$ 2,411		Clackamas
13716	US 26: MP 44.03 - MP49.2	\$ 2,135		Clackamas
13708	US 30: Yeon Steet Preservation	\$ 2,605		Multnomah
13712	US 26: SE 51st - I-205 (East Portland Freeway)	\$ 2,000		Multnomah
13713	US 26: MP37.26 - MP39	\$ 1,353		Multnomah
13972	Reserve PE & RW Preservation 2008	\$ 726		Various
13970	Reserve Utilities Preservation 2008	\$ 292		Various
<b>2009 Region 1 Actual Allocation = \$13.098M + 4.3M</b>				
13706	OR224: Jct Hwy 172 - Jct Hwy 161	\$ 3,146		Clackamas
13709	OR213: MP7.7 - MP 10.75	\$ 1,275		Clackamas
13710	OR213: S. Henrici Road - S Monte Carlo Wy	\$ 813		Clackamas
13971	Reserve Utilities Preservation 2009	\$ 304		Various
13973	Reserve PE & RW Preservation 2009	\$ 754		Various
13707	US26: North Plains - Cornell Rd	\$ 9,536		Washington
TBD	OR213: Oregon City bypass I-205-Conway	\$ 4,300	Pavements Committee selected this project for funding in 2009, project will be added to the 2006-2009 STIP via OTC amendment	Clackamas
* Amounts programmed may include funds from other programs (ie. Operations and Safety)				
<b>2010 Region 1 Allocation = \$19.4M</b>				
<b>2011 Region 1 Allocation = \$20.3M</b>				
		Begin MP	End MP	Pre Estimate
TBD	OR43: I-5 - Terwilliger (Macadam)	0	2.79	\$ 5,900 Urban
TBD	OR8: Sunset Hwy - Hwy 217 (Canyon Road)	0.05	3.18	\$ 3,150 Urban
TBD	OR43: McVey - I-205	6.7	11.66	\$ 3,750 Urban
TBD	OR8: Minter Br. Rd. - Forest Grove	11.28	17.46	\$ 8,810 Urban - Project runs through City of Hillsboro - Will need to be supplemented with other funds
TBD	OR141 and OR210: Hall, Boones Ferry, Scholls Ferry	2.57	various	\$ 6,770 Urban - Beaverton / Tigard - Will need to be supplemented with other funds
TBD	OR10: Farmington Rd (SW 198th - SW173rd)	5.88	7.53	\$ 1,160 Urban - Will need to be supplemented with other funds
TBD	OR219: OR8 - Farmington Rd.	0	5.43	\$ 2,960 Urban / Rural
TBD	US26: Military Cr. Rd. - Wolf Cr.	26	37.4	\$ 4,620 Rural
TBD	US26: Wolf Cr. - West Fork Dairy Cr.	37.4	45	\$ 4,500 Rural
TBD	OR47: US26 - Banks	80.8	82.85	\$ 1,170 Rural
TBD	OR99E: MLK Viaduct - Kellogg Cr.	1.31	5.97	\$ 6,440 Urban
TBD	US30B: NE 60th - Sandy Blvd	9.2	11.25	\$ 2,050 Urban
TBD	OR99E: I-5 - Columbia Blvd	-6.09	-4.01	\$ 3,410 Urban
TBD	OR99E: Naef - MP 13.04	9.19	13.04	\$ 5,450 Urban
TBD	US26: I-205 - Gresham (SE 182nd Ave)	5.75	9.96	\$ 2,960 Urban - Will need to be supplemented with other funds
TBD	OR213: 82nd (NE. Killingsworth - Hwy. 224)	0	10.18	\$ 15,790 Urban - Will need to be supplemented with other funds
TBD	OR213: I-205 - Conway	0	4	\$ 5,740 Urban
TBD	OR99E: City of Canby	20.46	22.11	\$ 3,300 Urban
TBD	US30B: Lombard Street	1.31	6.25	\$ 21,930 Urban - Will need to be supplemented with other funds
TBD	OR211: OR213 - Mathias Rd (Molalla)	11	13	\$ 1,480 Urban - Will need to be supplemented with other funds
TBD	US30: City of Cascade Locks	29.7	30.33	\$ 930 Project runs through City of Cascade Locks
TBD	US26: Sandy - MP 30 (add 33.2-34.1 if needed)	22.49	34.1	\$ 8,250 Urban / Rural - Project runs through City of Sandy
TBD	OR281/282: Hood River - OR35	0	5.09	\$ 3,620 Urban / Rural
TBD	OR211: Meadowbrook - Hult Rd.	16.39	20.89	\$ 1,580 Rural
TBD	OR224: Rock Cr. - Eagle Cr.	8.15	17.92	\$ 3,440 Rural
TBD	OR224: Estacada - Forest Bdry.	23.84	31.56	\$ 3,180 Rural
TBD	OR211: Sandy - Eagle Cr.	-0.23	5.94	\$ 2,160 Rural
TBD	US26: MP49.2 - 62.15	49.2	62.15	\$ 11,420 Rural
TBD	OR35: Jct. US26 - Polallie Cr	57.2	73.18	\$ 11,740 Rural
<b>Total</b>				\$ 157,660
<b>Region 1 Preservation Target for 2010 and 2011</b>				\$39.7M
<b>Total Preservation Target for 2008-2011</b>				\$67.827M
<b>Bold = Projects funded in the 2006-2009 STIP</b>				<b>08/09 already programmed = \$28.127</b>

\* Project cost based on planning level estimates and are subject to revision after project scoping.

February 6, 2006

**ODOT Region 1 Candidate Safety Project List for 2008-2011 Statewide Transportation Improvement Program (STIP)**

Key Number	Project Name	Project Name
<b>2008 Region 1 Allocation = \$15.160M</b>		<b>2009 Region 1 Actual = \$12.610M</b>
12840	US26: Wildwood - Wemme	Clackamas
13764	2008 Safety Project	Various
13723	OR213: Cascade Hwy S. @ S Mulino Rd [Left turn]	Clackamas
13729	Light Emitting Diode (LED) Signal Upgrade	Various
13724	OR213: Cascade Hwy S @ S Barnards Rd	Clackamas
13732	2008 Button Replacement Program	Various
13744	Reserve PE & RW Safety 2008	Various
13725	OR 219: Midway - McFee Creek	Washington
13974	Reserve Utilities Safety 2008	Various
13721	OR 219 @ East Laurel Rd.	Washington
13765	2009 Safety Project	Various
13728	OR 99E: MP 14.0 - MP 14.9 (Oregon City)	Clackamas
13722	US 26: Salmonberry Road - Viewpoint Sec (HEP) (Tillamook State Forest)	Washington
13730	Reserve PE & RW Safety 2009	Various
13731	2009 Button Replacement Program	Various
13975	Reserve Utilities Safety 2009	Various
13733	2009 Safety Reserve	Various

2010	Region 1 Allocation = \$13.832M
2011	Region 1 Allocation = \$14.456M

	Project Name	Begin MP	End MP	Pre-Estimate	Project Description	Safety/Issue	County
TBD	I-5: N Vancouver Av - Burnside Bridge	301.70	302.60	Med	SB Exit Only Lane to Morrison Bridge (add to Paving Project)	Rear End & Side Swipe	Multnomah
TBD	I-5: Interstate Bridge - Jantzen Beach	307.77	307.98	Low	ITS signing (Operations)	SB Rear End	Multnomah
TBD	OR 99E @ Columbia Blvd.	-4.01		Med	WB Right Turn Lane on Columbia Blvd	Rear End & Turning	Multnomah
TBD	OR 99W: Capitol Hwy.-SW Huber	6.21	6.30	Med	SB Left turn lane to Capitol Hwy, Two way SW Huber	Turning	Multnomah
TBD	I-84: I-205 to 122nd	9.70	10.00	Med	EB Exit Only Lane, add to I-84 Paving Project	Rear End & Side Swipe	Multnomah
TBD	US 30: Ramp to Lewis & Clark Bridge	48.71	48.74	Low	Acceleration Lane	Rear End	Columbia
TBD	US 26: 122nd to 136th	7.21	7.90	High	Construct center turn lane, bike lanes sidewalks	Rear End & Turning	Multnomah
TBD	US 26: Zig Zag River - Bruin Run Rd	46.02	47.39	High	EB & WB passing lanes, 16' median, realign curve; Add to 2008 Paving Project	Lane Departure	Clackamas
TBD	US 26: Bruin Run Rd - Ski Bowl	47.39	52.50	High	Extend WB passing lane, 16' median (add to 2009 Rock fall Project)	Lane Departure	Clackamas
TBD	US 26: Vista Ridge Tunnel to I-405 South	73.70	2074.05	Med	Two lane ramp to I-405, Close Montgomery On Ramp	Rear End	Multnomah
TBD	OR 213: Foster Road WB Right Turn Lane	5.76		High	WB Right Turn Lane	Rear End	Multnomah
TBD	OR 213: Foster Road EB Right Turn Lane	5.76		High	EB Right Turn Lane	Rear End	Multnomah
TBD	OR 47: South Fork Dairy Cr - Kemper Rd	86.20	86.80	High	Realign curves and widen shoulders	Lane Departure	Columbia
TBD	US 30 Bypass: NE122nd to NE141st	12.40	13.49	Med	Channelization	Turning & Rear End	Multnomah
TBD	OR 219 @ Midway	8.00	8.50	Med	Realign curve and widen shoulders	Lane Departure	Washington
TBD	OR 219 @ Wolsborn	9.60	9.90	High	Realign curve and widen shoulders; requires bridge	Lane Departure	Washington
TBD	OR 217: Allen Blvd. - Denny Rd	2.48	3.02	Low	Congested Weave Corrections	Rear End	Washington
TBD	OR 213: Mulino-Blackman's Corner	11.30	16.10	Med	Widen Segments with narrow shoulders (add to STIP Paving Project)	Off Road	Clackamas
TBD	OR 224 @ Johnson Rd	3.60	3.80	Low	Add third lane eastbound through signal	Rear End	Clackamas
TBD	OR 224: Carver - Barton	9.21	15.00	High	Realign curves and widen shoulders (add to STIP Paving Project)	Lane Departure	Clackamas
TBD	OR 224 @ Tong Rd	10.00	10.60	High	Channelization (add to STIP Paving Project)	Lane Departure	Clackamas
TBD	OR 224 @ SE 197th Ave	11.30	11.70	High	Realign curves widen shoulders (add to STIP Paving Project)	Lane Departure	Clackamas
TBD	OR 224: MP 12.2 - 232nd Ave	12.20	13.50	High	Realign curves and widen shoulders (add to STIP Paving Project)	Lane Departure	Clackamas
TBD	OR 224 @ SE 232nd Ave	13.50	13.90	High	Channelization requiring a bridge (add to STIP Paving Project)	Lane Departure	Clackamas
TBD	OR 212 Sunnyside Road-Royer Road	2.50	2.85	Med	2nd eastbound lane	Rear end & turning	Clackamas
TBD	Region 1 Reflective Pavement Markers			Low	Bi-yearly projects to replace pavement markers (Operations)		Region-wide
TBD	Funding for Durable Striping in Preservation Projects			High	Operations		Region-wide

Total for 2008-2011 STIP

\$56.058M

Cost Low <\$1,000,000; Medium \$1,000,000 to \$3,000,000; High > \$3,000,000

**Bold = Projects funded in the 2006-2009 STIP**

*\*Cost estimates and years to be determined during project scoping.*

**\* Project cost based on planning level estimates and are subject to revision after project scoping.**

February 6, 2006

# ODOT Region 1 Draft Bridge Project List for 2008-2011 Statewide Transportation Improvement Program (STIP)

Key Number	Project Name	Bridge ID	Pre-Estimate	Project Description	County	Freight
2008						
14014	OR43: Willamette River Bridge (Oregon City)	02552	\$ 3,514	Repair and Rehabilitation	Clackamas	Yes
TBD	US26: West Fork Dairy Creek, MP 46.30	02673	\$ 2,024	Replace bridge with new Prestressed Beam bridge (1 mile east of US26/OR47)	Washington	Yes
TBD	Nehalem River, OR47 (Banzer)	03140A	\$ 1,346	Place deck overlay; Retrofit rails, Repair cracked girders with post-tensioning; Repair cracked stringers with post-tensioning; Repair cracked cols with ext stirrups, post-tensioning; Repair cracked caps with post-tensioning	Columbia	No
TBD	OR 213 Milk Creek	02120	\$ 3,000	Replace bridge which lies between a preservation and safety project.	Multnomah	No
TBD	I-205: Columbia River N Channel, (Glenn Jackson)	09555	\$ 2,565	Repair bad deck joints.	Multnomah	Yes
	Subtotal		\$ 12,449			
2009						
14180	Lewis and Clark (Longview) Bridge Painting Project	02046	\$ 10,834	Repaint Bridge, Partnership with State of Washington	Columbia	Yes
TBD	OR99E: Parrot Creek	00580	\$ 1,525	Remove wearing surface & place deck overlay	Clackamas	No
TBD	Mt Scott Creek & Union Pacific RR (82nd Ave)@MP9.67	02135A	\$ 378	Retrofit old picket fence railing each side. Bridge is north of Milwaukie Expressway.	Clackamas	No
TBD	OR47: Nehalem River (Miles Bridge - Vernonia)	02323	\$ 3,300	Replace bridge. #2 Priority Recommendation from NW Area Commission on Transportation.	Columbia	No
* TBD	OR99W over Portland/Western RR (Tigard)	02532	\$ 7,615	Replace bridge with new Prestressed Beam Bridge.	Washington	Yes
	Subtotal		\$ 23,652			
2010						
TBD	OR99E: SE Water Street Viaduct, (McLoughlin Blvd) @ MP12.29	02374	\$ 389	Retrofit rails to type F at curb; Repair deck joints; Repair cracks in superstructure; Repair cracks in substructure; Repair & clean rocker bearings; Rail transitions.	Multnomah	No
TBD	OR99E: Partial Viaduct, SB @ MP13.86	07164	\$ 693	Replace with Soldier pile retaining wall	Clackamas	No
TBD	I-205: Willamette R & OR99E & OR43,(George Abernethy)	09403	\$ 12,823	Place deck overlay; Repair strip seal expansion joints; Repair open expansion joints; Repair other deck joints.	Clackamas	Yes
TBD	I-5 SB Over the Union Pacific RR	S8588E	\$ 8,152	Overlay; Retrofit rails; Joint repair.	Multnomah	Yes
	Subtotal		\$ 22,057			
2011						
TBD	OR8: Dairy Creek on TV Highway	00744B	\$ 1,508	Retrofit rails with new historic type rails; Joint repair; Corbel catcher blocks; Cable restraints; Other Phase 1 seismic retrofit work; Rail transitions; New RC end panels	Washington	No
TBD	OR99W over SW Multnomah Blvd	02010	\$ 4,498	Replace bridge with new Prestressed Slabs Br with 7' sidewalks, historic rails.	Multnomah	No
	Subtotal		\$ 6,006			
Total for 2008-2011 STIP			\$ 64,164			
Bold = Projects funded in the 2006-2009 STIP Freight = Bridge in on State Highway Freight System						
Federal Earmark						
TBD	I-5: SW Iowa Street Viaduct (MP298.2)	08197	\$ 20,000	Replace Structure	Multnomah	Yes

\* Project cost based on planning level estimates and are subject to revision after project scoping.

February 6, 2006

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF March 28, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Presentation on the City's Participation in the Healthy Streams Plan

PREPARED BY: Dennis Koellermeier DEPT HEAD OK  CITY MGR OK EAM for CP

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ISSUE BEFORE THE COUNCIL

No action is required. The Council is being asked to hear a presentation on the City's participation in the Healthy Streams Plan.

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STAFF RECOMMENDATION

No recommendation.

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INFORMATION SUMMARY

The Public Works Department is currently planning and implementing projects associated with the Healthy Streams Plan and would like to update the council about the plan and the associated work.

The Healthy Streams Plan is an adaptable management strategy to enhance the functions of the Tualatin River Basin's surface water system, our "green infrastructure," including streams, wetlands, floodplains, and their associated buffers. Tigard was a contributing partner to the plan which was approved by the Clean Water Services (CWS) Board of Directors in June 2005. The Healthy Streams Plan outlines goals for the City of Tigard in the areas of community tree planting, culvert replacements, and stormwater outfall retrofitting. The Public Works Department has found the plan to be a very effective tool in implementing our Surface Water Quality Improvement Program.

The Healthy Streams Plan utilizes a basin approach to coordinate Goal 5 implementation efforts among the participating jurisdictions. Goal 5 is an Oregon statewide planning goal which seeks to protect natural resources, scenic and historic areas, and open spaces. The plan reflects a progressive step in intergovernmental coordination of habitat-related issues in the basin and outlines the most cost effective utilization of stormwater quality and quantity funds to treat non-point runoff in the City.

The Public Works Department has begun work associated with the Healthy Streams Plan on two of the City's tributaries, Hiteon Creek, located off Springwood Drive, and Derry Dell Creek, located off Pathfinder Way. Currently, design work is underway to identify methods which will naturally stabilize the Hiteon Creek stream channel and improve water quality after the creek passes under Scholls Ferry Road. Tree and shrub planting is already underway and further stream restoration efforts will be implemented in the summers of 2006 and 2007.

At the April 11, 2006 meeting, Council will be asked to consider an intergovernmental agreement with CWS for the Fanno and Hiteon Creek Enhancement Projects. These projects address the next phase of the Healthy Streams



Plan and are a team effort between CWS and the City. Both CWS and City utility crews will construct restoration projects on Fanno and Hiteon Creek. The projects will provide a cross-training opportunity in which Tigard staff will learn about stream restoration techniques; the knowledge and skills gained by this experience will be applied to future projects.

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#### OTHER ALTERNATIVES CONSIDERED

N/A

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The Healthy Streams Plan supports a number of the City's Vision Task Force Goals by; (1) promoting volunteerism through the community tree planting challenge ("Tree for All"), (2) protecting the natural environment and protecting and restoring openspace, and (3) serving as an effective stormwater management tool.

The specific goals addressed include:

**Community Character and Quality of Life Goal 1:** "City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for the community."

**Urban and Public Services – Parks and Greenways Goal 2:** "Open space and greenway areas shall be preserved and protected."

**Urban and Public Services - Water and Stormwater Goal 3:** "Stormwater runoff is effectively managed."

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#### ATTACHMENT LIST

1. The Healthy Streams Plan Introduction\*
2. The Healthy Streams Plan Capital Improvement Program\*
3. PowerPoint Presentation

\*The entire Healthy Streams Plan is available at  
[www.cleanwaterservices.org/PlansAndProjects/Plans/HealthyStreamsPlan.aspx](http://www.cleanwaterservices.org/PlansAndProjects/Plans/HealthyStreamsPlan.aspx)

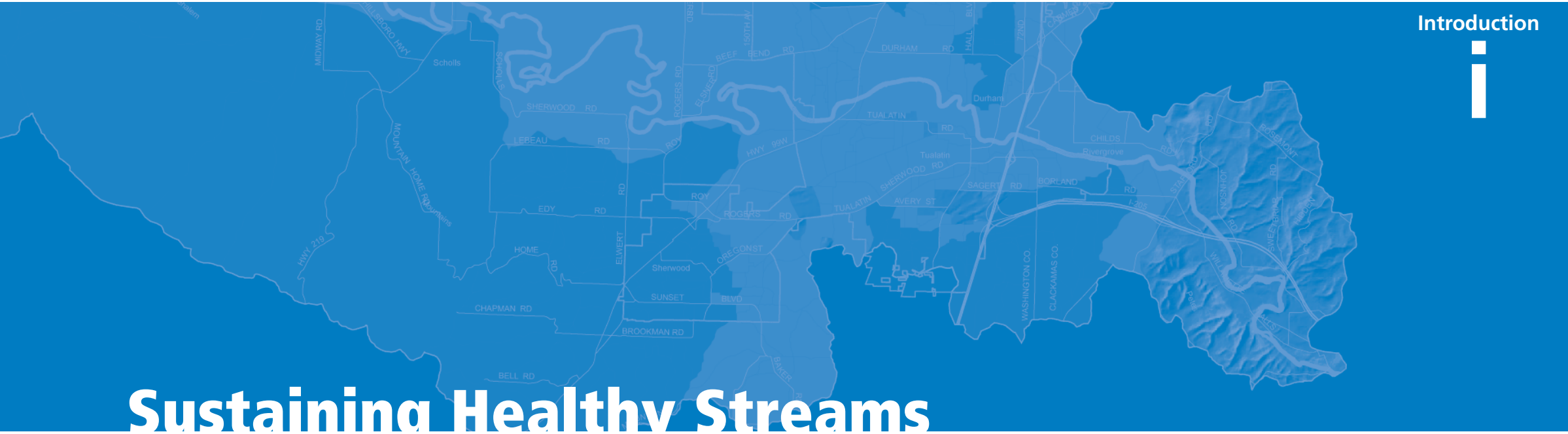
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#### FISCAL NOTES

The Healthy Streams Plan list of projects is shown over a 20 year period. If Tigard were to implement all of the projects listed in the plan, the approximate cost over that 20 year period would be 7.2 million dollars.

The Healthy Streams Plan projects have been included in the City's five-year CIP projections. The proposed budget for FY 06/07 healthy streams projects is \$315,000 and projects will be funded from stormwater quality and quantity funds.





# Sustaining Healthy Streams

Human activities have influenced the Tualatin River Basin for centuries. Native Americans burned the plains of the Tualatin Valley to promote big game hunting, and harvested wapato, camas, berries, and other native plants for subsistence living. The early 1800s brought fur trappers from the east who dramatically depleted beaver populations. Settlers drained the wetland complexes formed by beavers and diked the streams to establish extensive farms. The old-growth forested mountains were extensively logged by the 1850s, with logging continuing to the present day. Cities were developed and roads were built.

Many of these activities have harmful effects on the natural environment. In the 1970s, environmental protection regulations were developed to help repair the landscape, improve water quality, and protect at-risk species. Even with these regulations, however, rapid urbanization has impacted the watershed landscape and stream system. While many streams in the Tualatin Basin meet water quality standards under the Clean Water Act (CWA), some do not. Altered watershed conditions and encroachment into floodplains have resulted in damaging floods. Fish and wildlife habitat has been reduced and impaired. In 1999, winter steelhead and spring Chinook were listed as threatened species under the Endangered Species Act (ESA).

Clean Water Services (the District) has worked over the years to respond to these watershed conditions. In 2000, the District began an updated watershed planning process. The purpose was to identify the underlying causes of declining stream health and suggest actions that would help the District improve resource conditions in a prioritized and adequately proportioned manner. The actions were also to be consistent with the goals and intent of the Clean Water Act and Endangered Species Act. Local jurisdictions—cities, Washington County, and special

service districts—partnered with Clean Water Services to provide financial assistance and technical and policy advice. The Healthy Streams Plan is the result of that four-year effort. The Plan identifies policy and program refinements, as well as surface water and stormwater projects to be funded through the capital improvement program to improve water quality, water quantity management, and aquatic species habitat.

The Healthy Streams Plan looks beyond standard regulatory requirements in an effort to focus on the overarching needs of the surface water system. It provides an adaptable strategy for managing surface water and promoting overall stream health. It is grounded in the principle of sustainability: meeting the clean water needs of the present, without compromising the ability of future generations to meet their own needs. A sustainable watershed management program balances socioeconomic values with environmental considerations. Accordingly, the planning process included social, economic, and environmental analysis. The Plan’s recommendations reflect this integrated approach. The Healthy Streams Plan is consistent with and complements the District’s other facility and master plans that address the sanitary and storm systems.

The Healthy Streams Plan is designed to be adaptive. The watershed information will be regularly updated. Clean Water Services and its partners will monitor and adjust actions over time as they gain experience and knowledge and as conditions change. The strategy will inevitably evolve, but the underlying vision and management elements will remain. This adaptive management approach will help the watershed community (those who live, work, and recreate in the watershed) stay on course toward greater watershed and stream health.

The goal of the Healthy Streams Plan is to utilize scientific knowledge and innovation to improve watershed and stream health for community benefit.

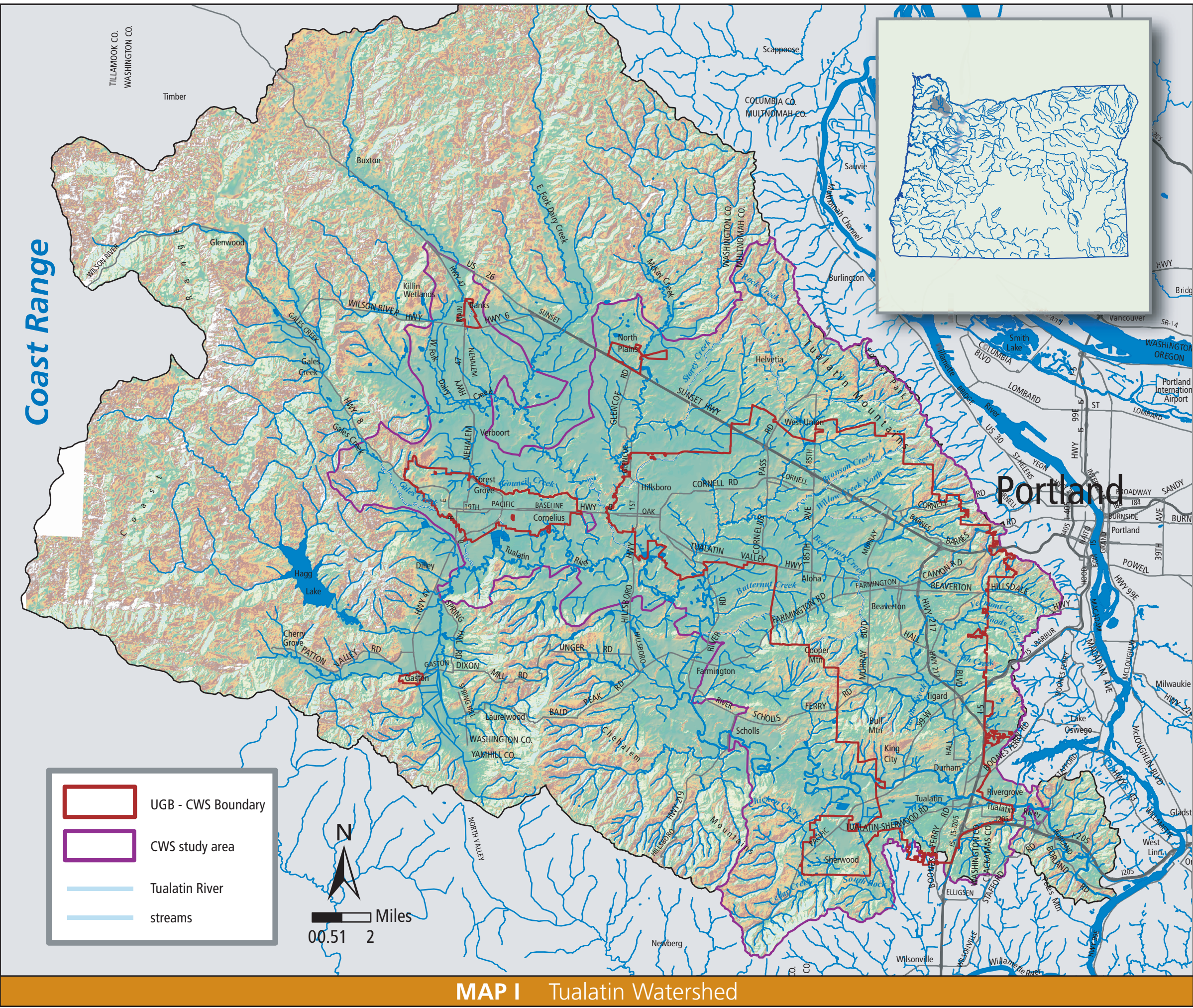
The Healthy Streams Plan Advisory Committee created the following vision for the Healthy Streams Plan:

Identify watershed protection and restoration actions that consistently advance stream health throughout the Tualatin River Basin.

To achieve that vision, the Committee advised Clean Water Services to:

Conduct systematic project and policy identification and selection, integrating ecological science with socioeconomic values and public preferences, to determine implementation priorities and meet regulatory requirements, including moving toward the goals of the Clean Water Act and Endangered Species Act.





## Scope of the Healthy Streams Plan

Clean Water Services, in partnership with local jurisdictions and the watershed community, manages the surface water system of the urban portion of the Tualatin River Basin. The surface water system—or “green infrastructure”—comprises the natural streams, wetlands, floodplains, and their associated upland buffers. Water within the system comes from natural surface water and groundwater flow and from two types of discharges: 1) stormwater runoff from impervious surfaces that drains via a constructed storm system and 2) wastewater effluent treated in the wastewater treatment plants.

Clean Water Services has jurisdiction over 292 miles of stream within Washington County's urban growth boundary. The Healthy Streams Plan study area also includes areas outside the urban growth boundary that flow into Clean Water Services' jurisdiction (Map 1). The Healthy Streams Plan project evaluated in detail a total of 338 miles of streams and their associated floodplains and wetlands and approximately 42 miles of the Tualatin River. The detailed study area represents 34 percent of the Tualatin River Basin and primarily covers urban and urban fringe areas.

The Healthy Streams Plan focuses primarily on enhancing the functions of the surface water system (green infrastructure) that are critical to maintaining water quality, quantity, and aquatic habitats. However, the Plan also addresses broad watershed-wide stormwater management issues (such as impervious cover, street sweeping, and storm system inspections), directly connected stormwater outfalls built before 1991, and culverts that are impassable to fish or are deficient in conveyance. These topics are included because of their direct influence on the quality and effectiveness of the surface water system.

The Healthy Streams Plan replaces former watershed plans developed by Clean Water Services, including the Fanno, Rock/Bronson/Willow, Hedges, Butternut, and Beaverton Creek plans. Local drainage plans will continue to be used for storm system conveyance issues that are not directly associated with the streams. The Stormwater Management Plan required for regulatory compliance with the District's watershed permit will be developed by 2006. The Stormwater Management Plan may include some of the recommendations identified in this and other plans as appropriate to meet regulatory mandates.

## How Clean Water Services Already Helps Streams

The Tualatin River Basin is a highly regulated and managed watershed. Clean Water Services (formerly the Unified Sewerage Agency) has managed wastewater since the early 1970s, and

became responsible for surface water management (SWM) in the urban portions of the Tualatin River Watershed in 1990.

Clean Water Services implements a diverse, strategic program to ensure surface waters meet or exceed water quality standards, protect public health and safety, provide habitat for aquatic species, and are an amenity to the watershed community. To meet National Pollutant Discharge Elimination System (NPDES) stormwater permit requirements, Clean Water Services and its partners implement best management practices for stormwater. These include public education, source control, erosion control, stormwater pretreatment, water quality monitoring, and storm system maintenance. Clean Water Services further improves surface water quality and aquatic habitat by implementing stream enhancement and streamside buffer protections.

The Healthy Streams Plan articulates the latest scientific information related to watershed and stream management, and identifies and prioritizes projects and activities that could be implemented to further improve the District's water resources management. It is standard practice for the District to modify practices, programs, and projects as information is presented and proven to advance surface water protection. The Healthy Streams Plan provides new or updated ideas for some program elements. A chronology that documents the evolution of the surface water management program in the Tualatin River Watershed is provided in Appendix A.

## Looking Beyond Regulatory Requirements

The federal Clean Water Act and Endangered Species Act were specifically crafted to protect water quality and at-risk species and their habitats (see Appendix A). These federal laws exert daily influence on the surface water management strategies of Clean Water Services and the local jurisdictions.

In the Tualatin River Basin, the Department of Environmental Quality (DEQ) has focused its water quality regulatory efforts on managing the point sources of stormwater runoff and wastewater effluent. DEQ has identified phosphorous, ammonia, bacteria, biological criteria, dissolved oxygen, and temperature as constituents of concern that impair the beneficial uses of the surface water system, such as water contact recreation, fish communities, and salmon spawning and rearing in some portions. Clean Water Services and its partners manage pollution by implementing extensive stormwater and wastewater treatment and maintenance strategies, as required through NPDES permits (see previous section). Dramatic water quality improvements have been made over the last 30 years through the construction of advanced sanitary and stormwater infrastructure. Now, the challenge is to more effectively manage the diverse and diffuse non-point sources of pollution.



**Vision:** Enhance the environment and quality of life in the Tualatin River Watershed through visionary and collaborative management of water resources in partnership with others.

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To achieve the vision and mission, Clean Water Services conducts comprehensive planning efforts before implementation to ensure that interrelated programs and projects are aligned.

Metro estimates that the population of the Tualatin River Watershed will increase from 455,000 today to over 700,000 by 2040. Given this potential growth, strategies for preserving the high quality of life and the environment must be formulated. Watershed planning must integrate social, economic, and environmental elements in a manner that promotes sustainable growth in all sectors.

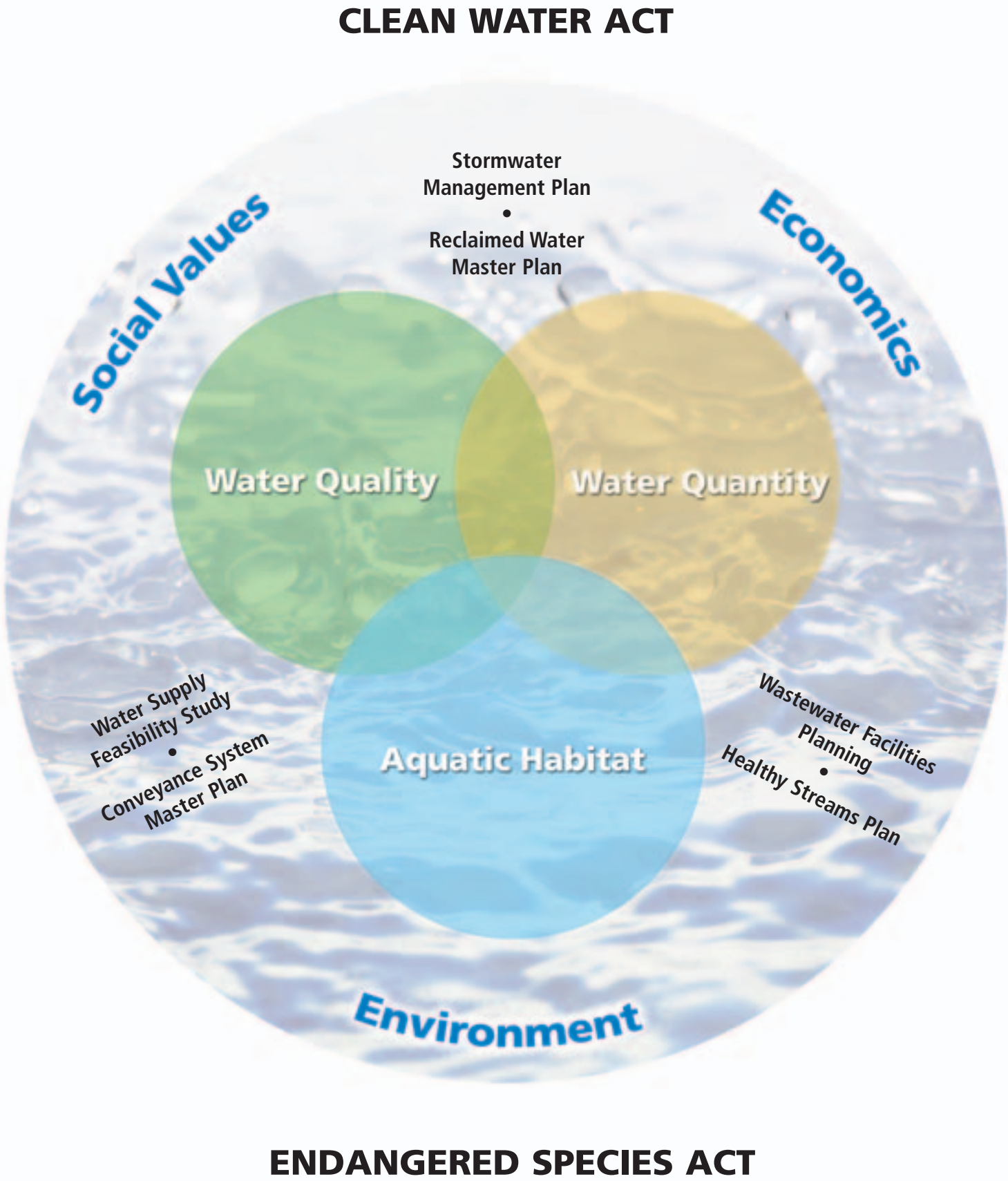


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The Healthy Streams Plan process considered and drew from the social, economic, and environmental visions of other groups in the Tualatin River Watershed:

- The Vision Action Network has unified community members from all sectors (faith, business, not-for-profit, advocacy, citizen organizations, education, and government) to identify practical, collaborative strategies that help address long-standing community and social concerns.
- The Westside Consortium for Economic Health, consisting of business and government leaders, has identified regional strategies that will maintain and promote economic growth and stability in the Tualatin River Basin. Its strategy focuses on four interlocking elements of people, place, clusters, and leadership (Westside Consortium for Economic Health 2003).
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Clean Water Services and its partners focus on achieving the greatest overall environmental benefit with the limited financial resources available. Activities already underway include, but are not limited to:		
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The Healthy Streams Plan suggests projects and activities that can help the District and its partners to meet strict water quality standards. Improvements to the surface water infrastructure, through which all waters flow, can help preserve and protect water quality and aquatic species by reducing non-point sources of pollution such as channel erosion and ultraviolet light impacts. This “soft, green” surface water system is important because even with clean water from the storm and sanitary system, the Tualatin River and its streams would still lack needed flow, canopy, and habitat necessary for the surface water system to maintain good water quality. For this reason, the Healthy Streams Plan looks beyond the standard regulatory requirements for managing discharges and incorporates elements of an integrated water resources management strategy that will promote an ecologically healthy and self-sustaining system.

Planning Context for the Healthy Streams Plan

The Healthy Streams Plan is one piece of the District’s Integrated Water Resources Management (IWRM) strategy to protect the health of surface water resources and the vitality of the watershed community by integrating the water quality, water quantity, and habitat needs of the Tualatin River Basin. All water resource supplies and demands in the watershed are interconnected. Understanding their interrelationships is critical to efficient management of the resource.

The District has developed an internal interdisciplinary team that reviews and considers planning for surface water; the treatment plants; storm and sewerage conveyance; and water supply for drinking water, irrigation, flow restoration, and reclaimed water (Figure 1). A comprehensive look at these programs helps the



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**Action Plan**, presents the recommendations of the Healthy Streams planning process. It includes:

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- Implementation and monitoring

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**Summary of Data and Analyses**, provides the socioeconomic and scientific data and analysis used to develop the recommendations in the Action Plan. Details on methodology, data, and maps are available through the electronic Appendices and Internet links provided in the text.

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The Healthy Streams Plan gathered extensive watershed and stream base data through the Watersheds 2000 inventory. The water resource modeling, topographic/stream survey, and ecological data were used to produce GIS-based (geographic information system) watershed analysis, update floodplain maps, identify priority enhancement projects, and evaluate policy and program refinement options.

In addition to collecting and analyzing environmental data, the Healthy Streams Plan process analyzed socioeconomic costs, benefits, and values. This included considerable public involvement through committees, surveys, and stakeholder discussions. Three regional project committees participated in the Watersheds 2000 inventory, and were merged into one Healthy Streams Plan Advisory Committee in 2002. These committees contributed invaluable review and comment and helped articulate public values. The Advisory Committee developed a vision and mission that provided overall guidance for the Healthy Streams Plan (see page 3). It also identified goals and action principles, which are outlined in Part I: Action Plan.

Implementation of the Healthy Streams Plan began before the actual document was even complete. The products developed during the planning process (such as modeling, mapping, surveys, and environmental analysis) are used to more efficiently implement capital improvement projects along streams. The information is also being used by local jurisdictions and developers to evaluate requirements for floodplains, streams, and other resources. ■





Plan and are a team effort between CWS and the City. Both CWS and City utility crews will construct restoration projects on Fanno and Hiteon Creek. The projects will provide a cross-training opportunity in which Tigard staff will learn about stream restoration techniques; the knowledge and skills gained by this experience will be applied to future projects.

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#### OTHER ALTERNATIVES CONSIDERED

N/A

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The Healthy Streams Plan supports a number of the City's Vision Task Force Goals by; (1) promoting volunteerism through the community tree planting challenge ("Tree for All"), (2) protecting the natural environment and protecting and restoring openspace, and (3) serving as an effective stormwater management tool.

The specific goals addressed include:

**Community Character and Quality of Life Goal 1:** "City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for the community."

**Urban and Public Services – Parks and Greenways Goal 2:** "Open space and greenway areas shall be preserved and protected."

**Urban and Public Services - Water and Stormwater Goal 3:** "Stormwater runoff is effectively managed."

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#### ATTACHMENT LIST

1. The Healthy Streams Plan Introduction\*
2. The Healthy Streams Plan Capital Improvement Program\*
3. PowerPoint Presentation

\*The entire Healthy Streams Plan is available at  
[www.cleanwaterservices.org/PlansAndProjects/Plans/HealthyStreamsPlan.aspx](http://www.cleanwaterservices.org/PlansAndProjects/Plans/HealthyStreamsPlan.aspx)

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#### FISCAL NOTES

The Healthy Streams Plan list of projects is shown over a 20 year period. If Tigard were to implement all of the projects listed in the plan, the approximate cost over that 20 year period would be 7.2 million dollars.

The Healthy Streams Plan projects have been included in the City's five-year CIP projections. The proposed budget for FY 06/07 healthy streams projects is \$315,000 and projects will be funded from stormwater quality and quantity funds.



# Sustaining Healthy Streams

Human activities have influenced the Tualatin River Basin for centuries. Native Americans burned the plains of the Tualatin Valley to promote big game hunting, and harvested wapato, camas, berries, and other native plants for subsistence living. The early 1800s brought fur trappers from the east who dramatically depleted beaver populations. Settlers drained the wetland complexes formed by beavers and diked the streams to establish extensive farms. The old-growth forested mountains were extensively logged by the 1850s, with logging continuing to the present day. Cities were developed and roads were built.

Many of these activities have harmful effects on the natural environment. In the 1970s, environmental protection regulations were developed to help repair the landscape, improve water quality, and protect at-risk species. Even with these regulations, however, rapid urbanization has impacted the watershed landscape and stream system. While many streams in the Tualatin Basin meet water quality standards under the Clean Water Act (CWA), some do not. Altered watershed conditions and encroachment into floodplains have resulted in damaging floods. Fish and wildlife habitat has been reduced and impaired. In 1999, winter steelhead and spring Chinook were listed as threatened species under the Endangered Species Act (ESA).

Clean Water Services (the District) has worked over the years to respond to these watershed conditions. In 2000, the District began an updated watershed planning process. The purpose was to identify the underlying causes of declining stream health and suggest actions that would help the District improve resource conditions in a prioritized and adequately proportioned manner. The actions were also to be consistent with the goals and intent of the Clean Water Act and Endangered Species Act. Local jurisdictions—cities, Washington County, and special

service districts—partnered with Clean Water Services to provide financial assistance and technical and policy advice. The Healthy Streams Plan is the result of that four-year effort. The Plan identifies policy and program refinements, as well as surface water and stormwater projects to be funded through the capital improvement program to improve water quality, water quantity management, and aquatic species habitat.

The Healthy Streams Plan looks beyond standard regulatory requirements in an effort to focus on the overarching needs of the surface water system. It provides an adaptable strategy for managing surface water and promoting overall stream health. It is grounded in the principle of sustainability: meeting the clean water needs of the present, without compromising the ability of future generations to meet their own needs. A sustainable watershed management program balances socioeconomic values with environmental considerations. Accordingly, the planning process included social, economic, and environmental analysis. The Plan's recommendations reflect this integrated approach. The Healthy Streams Plan is consistent with and complements the District's other facility and master plans that address the sanitary and storm systems.

The Healthy Streams Plan is designed to be adaptive. The watershed information will be regularly updated. Clean Water Services and its partners will monitor and adjust actions over time as they gain experience and knowledge and as conditions change. The strategy will inevitably evolve, but the underlying vision and management elements will remain. This adaptive management approach will help the watershed community (those who live, work, and recreate in the watershed) stay on course toward greater watershed and stream health.

The goal of the Healthy Streams Plan is to utilize scientific knowledge and innovation to improve watershed and stream health for community benefit.

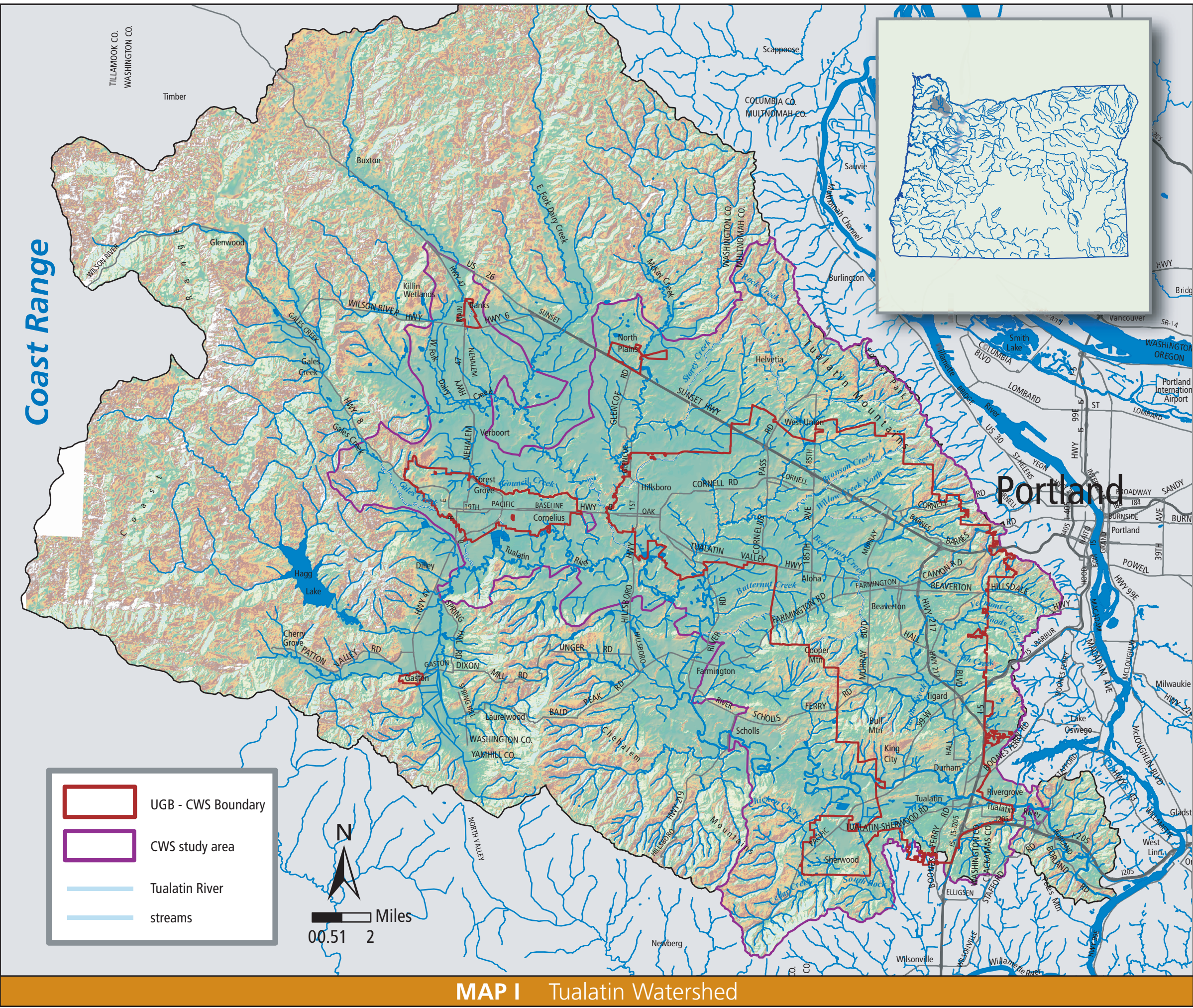
The Healthy Streams Plan Advisory Committee created the following vision for the Healthy Streams Plan:

Identify watershed protection and restoration actions that consistently advance stream health throughout the Tualatin River Basin.

To achieve that vision, the Committee advised Clean Water Services to:

Conduct systematic project and policy identification and selection, integrating ecological science with socioeconomic values and public preferences, to determine implementation priorities and meet regulatory requirements, including moving toward the goals of the Clean Water Act and Endangered Species Act.





## Scope of the Healthy Streams Plan

Clean Water Services, in partnership with local jurisdictions and the watershed community, manages the surface water system of the urban portion of the Tualatin River Basin. The surface water system—or “green infrastructure”—comprises the natural streams, wetlands, floodplains, and their associated upland buffers. Water within the system comes from natural surface water and groundwater flow and from two types of discharges: 1) stormwater runoff from impervious surfaces that drains via a constructed storm system and 2) wastewater effluent treated in the wastewater treatment plants.

Clean Water Services has jurisdiction over 292 miles of stream within Washington County's urban growth boundary. The Healthy Streams Plan study area also includes areas outside the urban growth boundary that flow into Clean Water Services' jurisdiction (Map 1). The Healthy Streams Plan project evaluated in detail a total of 338 miles of streams and their associated floodplains and wetlands and approximately 42 miles of the Tualatin River. The detailed study area represents 34 percent of the Tualatin River Basin and primarily covers urban and urban fringe areas.

The Healthy Streams Plan focuses primarily on enhancing the functions of the surface water system (green infrastructure) that are critical to maintaining water quality, quantity, and aquatic habitats. However, the Plan also addresses broad watershed-wide stormwater management issues (such as impervious cover, street sweeping, and storm system inspections), directly connected stormwater outfalls built before 1991, and culverts that are impassable to fish or are deficient in conveyance. These topics are included because of their direct influence on the quality and effectiveness of the surface water system.

The Healthy Streams Plan replaces former watershed plans developed by Clean Water Services, including the Fanno, Rock/Bronson/Willow, Hedges, Butternut, and Beaverton Creek plans. Local drainage plans will continue to be used for storm system conveyance issues that are not directly associated with the streams. The Stormwater Management Plan required for regulatory compliance with the District's watershed permit will be developed by 2006. The Stormwater Management Plan may include some of the recommendations identified in this and other plans as appropriate to meet regulatory mandates.

## How Clean Water Services Already Helps Streams

The Tualatin River Basin is a highly regulated and managed watershed. Clean Water Services (formerly the Unified Sewerage Agency) has managed wastewater since the early 1970s, and

became responsible for surface water management (SWM) in the urban portions of the Tualatin River Watershed in 1990.

Clean Water Services implements a diverse, strategic program to ensure surface waters meet or exceed water quality standards, protect public health and safety, provide habitat for aquatic species, and are an amenity to the watershed community. To meet National Pollutant Discharge Elimination System (NPDES) stormwater permit requirements, Clean Water Services and its partners implement best management practices for stormwater. These include public education, source control, erosion control, stormwater pretreatment, water quality monitoring, and storm system maintenance. Clean Water Services further improves surface water quality and aquatic habitat by implementing stream enhancement and streamside buffer protections.

The Healthy Streams Plan articulates the latest scientific information related to watershed and stream management, and identifies and prioritizes projects and activities that could be implemented to further improve the District's water resources management. It is standard practice for the District to modify practices, programs, and projects as information is presented and proven to advance surface water protection. The Healthy Streams Plan provides new or updated ideas for some program elements. A chronology that documents the evolution of the surface water management program in the Tualatin River Watershed is provided in Appendix A.

## Looking Beyond Regulatory Requirements

The federal Clean Water Act and Endangered Species Act were specifically crafted to protect water quality and at-risk species and their habitats (see Appendix A). These federal laws exert daily influence on the surface water management strategies of Clean Water Services and the local jurisdictions.

In the Tualatin River Basin, the Department of Environmental Quality (DEQ) has focused its water quality regulatory efforts on managing the point sources of stormwater runoff and wastewater effluent. DEQ has identified phosphorous, ammonia, bacteria, biological criteria, dissolved oxygen, and temperature as constituents of concern that impair the beneficial uses of the surface water system, such as water contact recreation, fish communities, and salmon spawning and rearing in some portions. Clean Water Services and its partners manage pollution by implementing extensive stormwater and wastewater treatment and maintenance strategies, as required through NPDES permits (see previous section). Dramatic water quality improvements have been made over the last 30 years through the construction of advanced sanitary and stormwater infrastructure. Now, the challenge is to more effectively manage the diverse and diffuse non-point sources of pollution.



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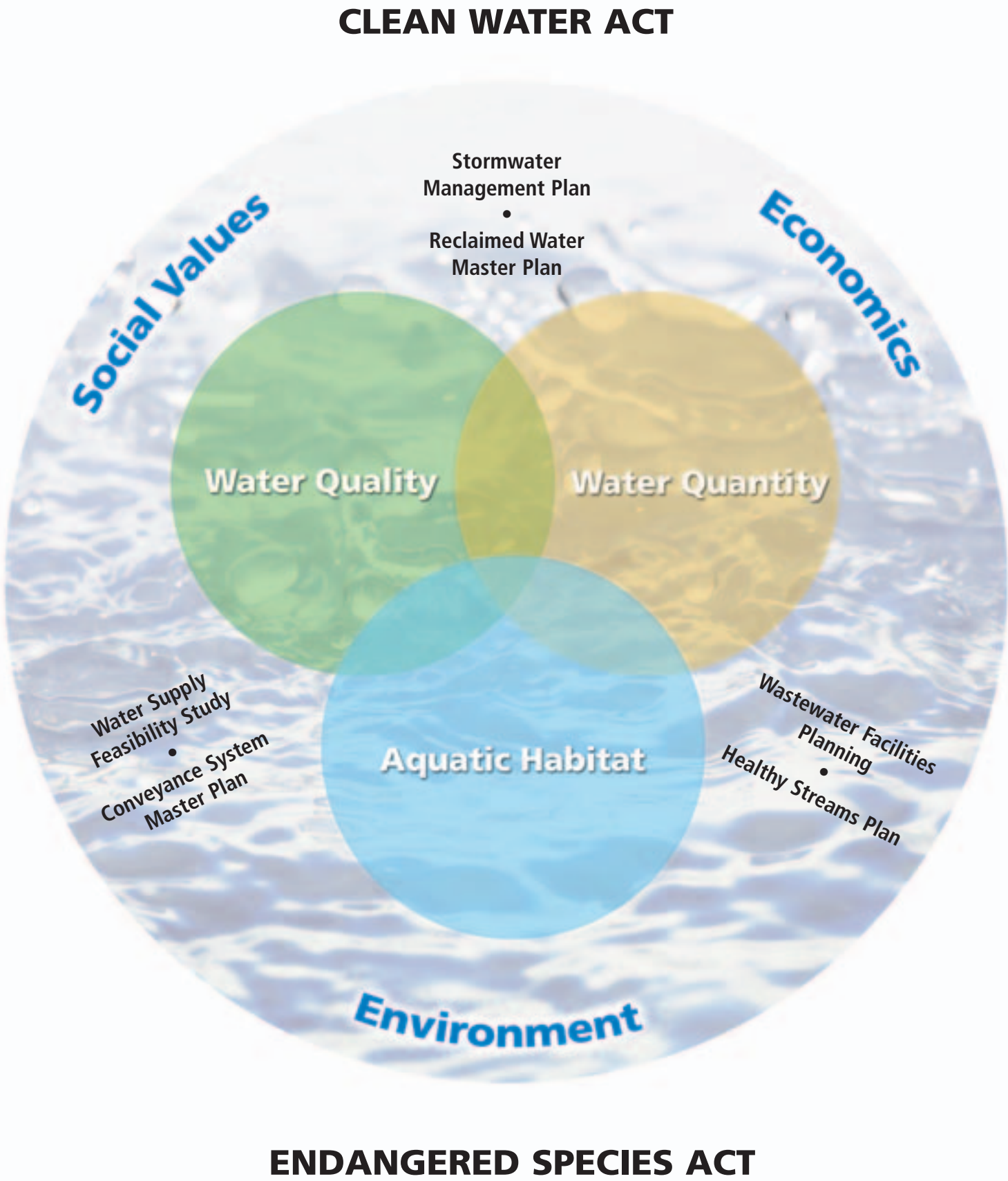


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Criteria for Selecting Annual Projects

The RESTORE model (see Part II, Chapter 4) , the culvert analysis, and watershed priority areas are useful tools for determining the type and location of priority capital improvement projects. However, Clean Water Services’ experience is that most projects are opportunistic, driven by funding, timing, and property owner issues. Prioritization criteria were therefore developed to select annual capital projects. The criteria are based on the guiding principles developed by the project committees and Advisory Committee (see Guiding Principles, page 12). A project has priority if:

- It benefits water quality and/or aquatic species.
- It connects or will eventually connect to other features or projects.
- It offers project partnering with willing land owners.
- It is self sustaining once established.
- Construction is feasible and affordable.
- Anticipated environmental benefits over time exceed short-term costs.
- It is adequately proportioned to achieve the desired outcome at the lowest cost.

Capital Improvement Program

The District and the local jurisdictions implement capital improvement projects to improve the function, maintain the integrity, and/or increase the capacity of the surface and stormwater systems. Since the establishment of the surface water management program, capital project priorities have been based on local drainage master plans, subbasin-watershed management plans, and flood-related complaints. All jurisdictions implement stormwater facility projects, culvert upgrades, and storm system improvements to be consistent with the plans or to resolve complaints. The District and some cities have also implemented capital and community-based stream enhancement activities consistent with the individual watershed plans. The Healthy Streams Action Plan updates the capital improvement programs of former watershed plans, creates projects for previously unstudied areas, and establishes more integrated, adaptable, and regionally based capital project priorities for the urban and semi-urban watersheds of the Tualatin Basin.

The Healthy Streams Action Plan recommends a capital improvement program that focuses on the green infrastructure (streams, wetlands, floodplains, and upland buffers) and the stream-related conveyance system (culverts, bridges, and directly connected

stormwater outfalls). Local drainage master plans and system maintenance records should continue to be used to guide improvements associated with storm pipes and upland storm drainage systems that are not directly stream-related.

The 20-year capital improvement program was developed by using the watershed and stream data, analysis, and models (see Part II) and the guiding principles developed by stakeholders. Annual project selection criteria (see sidebar) were developed to allow the District and local jurisdictions to be flexible, practical and efficient in integrating the surface water management program with other activities, such as transportation improvements, parks development, mitigation projects, and friends-group plantings. Such opportunities may change the timing or costs of projects, but the priorities should remain consistent in location and scope. The proposed actions and estimated costs are firm for only the first 10 years (to 2015) of the program. The recommended projects are diverse in character, size, and scope and are widely distributed throughout the basin; this will allow the capital program to easily accommodate 10 to 20 years of changing watershed conditions. This diversity and flexibility should increase the environmental benefits of the surface water management capital program and be cost effective.

The capital improvement program for the Healthy Streams Plan includes projects for:

Stream preservation and enhancement	page 26
Flow restoration	page 28
Community tree planting	page 30
Stormwater outfalls	page 32
Culverts	page 34



Stream preservation and enhancement



Stormwater outfalls



Community tree planting

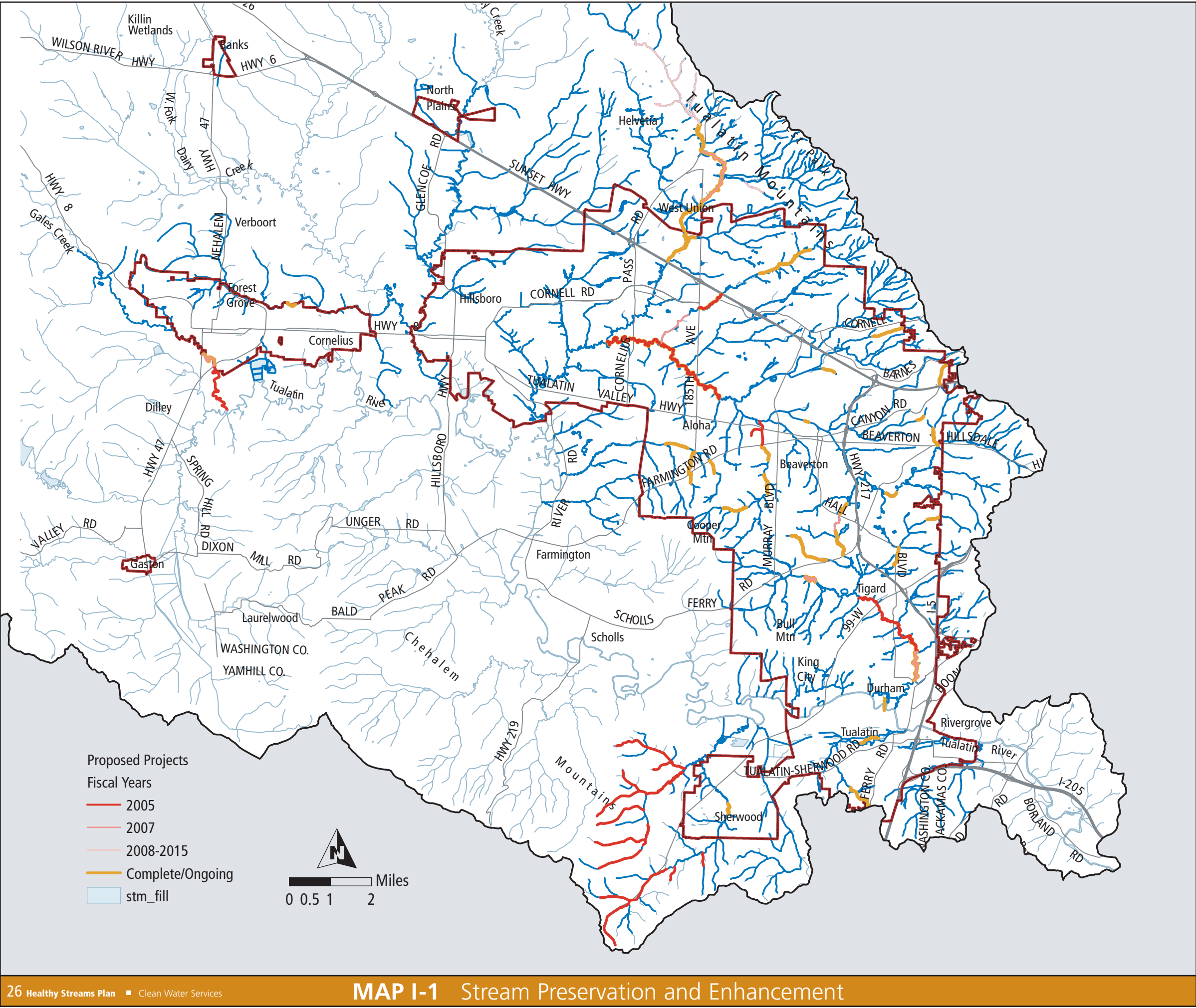


Flow restoration



Culverts





# Stream Preservation and Enhancement

**Table 1-2: District Coordinated Stream Enhancement Activities**

Creek	Project Location	Enhancement Elements	Miles	Acres	Total Cost	Project Timeline	Partners
Abbey	Rock Creek confluence to Kaiser Road	Large woody debris, off channel enhancement, revegetation	1.90	21.0	\$220,000	2008-2013	Property Owners
Beaverton	170th to 231st	Revegetation	6.40	38.0	\$450,000	2008-2013	Hillsboro, THPRD
* Beaverton	Murray to 170th	Revegetation, large woody debris	1.50	18.0	\$300,000	2005-2012	THPRD, Friends of Beaverton Creek
* Bronson	West Union to Laidlaw	Revegetation, large woody debris, fish barrier removal, livestock exclusion	2.00	24.0	\$345,000	2004-2009	Neighbors
* Bronson	Tanasbrook Ponds Cornell to 18th	In-stream pond modification, revegetation, fish barrier removal	0.60	15.0	\$610,000	2004-2009	County, Beaverton, Neighbors
Bronson	Mouth to 185th	Revegetation, fish barrier removal, large woody debris	1.50	18.0	\$340,000	2007-2012	Neighbors
* Cedar	Stella Olson Park	Revegetation	0.50	6.0	\$93,000	2004-2008	Sherwood
* Cedar - Chicken	Headwaters	Preservation	5.50	132.0	\$350,000	2005-2009	Sherwood, Three Rivers Land Trust
Fanno	N. Dakota to 99 W	Off channel enhancement, revegetation, large woody debris	1.40	16.0	\$300,000	2008-2013	Tigard
Fanno	Bonita Rd to Durham Rd	Revegetation, off-channel enhancement, bioengineering	1.40	16.0	\$525,000	2007-2012	Tigard
* Fanno	Englewood Park to N Dakota Ave	Revegetation, large woody debris, off channel enhancement	0.50	11.5	\$205,000	2003-2008	Tigard
Fanno	99W to Bonita	Bioengineering, large woody debris, revegetation	2.50	28.0	\$550,000	2005-2010	Tigard
* Gales	Tualatin R. to Hwy 47	Revegetation	1.90	23.0	\$140,000	2005-2010	Friends of Fernhill
Gales	B Street to HWY 47	Revegetation	1.80	20.0	\$185,000	2007-2012	Forest Grove
* Hedges	Pascouzzi Pond	Revegetation	0.25	3.0	\$80,000	2003-2006	Tualatin, Wetlands Conservancy
Johnson South	Bvtn Cr to Farmington Rd.	Channel reconfiguration, revegetation, large woody debris	1.00	23.0	\$325,000	2005-2010	St. Marys, SOLV
* Johnson South	Summercrest Park	Revegetation, large woody debris, fish barrier removal	0.23	3.0	\$100,000	2003-2007	THPRD
Johnson South	Lowami Hart Woods Park	Large woody debris, revegetation, ped bridge replacement	0.25	6.0	\$100,000	2006-2011	THPRD
* Rock	Hwy 26 to West Union	Revegetation, large woody debris, off channel enhancement	1.30	15.0	\$395,000	2004-2009	RC Golf Course, THPRD
* Rock	Evergreen to Cornell	Revegetation, large woody debris, off channel enhancement	0.51	7.0	\$165,000	2002-2008	Hillsboro, SOLV
Rock	West Union to Old Cornelius Pass Rd	Revegetation, large woody debris, livestock exclusion, preservation	5.30	32.0	\$450,000	2007-2012	Neighbors
Rock	Old Cornelius to headwaters	Fish barrier removal, large woody debris, flow augmentation, preservation, revegetation	6.20	37.0	\$500,000	2008-2013	Neighbors, Mult Co.
Summer	Summer Lake 135th to 121st	In-stream pond modification, revegetation, fish barrier removal	0.25	6.0	\$270,000	2009-2014	Tigard
* Willow	Beaverton Confluence	In-stream pond modification, revegetation, fish barrier removal	0.30	3.5	\$175,000	2004-2009	Neighbors
Sub-Totals			44.99	522.0	\$7,173,000		
Future Projects 2010-2025 to Be Determined as part of Adaptive Management. Average cost estimated at approximately 1.25 million per year.					\$18,777,000		
Estimated Total Cost of District Coordinated Stream Enhancement Activities to 2025					\$25,950,000		
* Project underway							

Projects that preserve stream health or enhance stream conditions generate ongoing, appreciating benefits to water quality, water quantity, and aquatic habitat. Preservation activities include securing easements or management agreements with willing property owners to ensure the stream corridor remains in a healthy state. Enhancement activities include channel reconfiguration, large wood placement, gravel-boulder placement, off-channel habitat, instream pond removal, and invasive species management/revegetation.

The District used Oregon State University's RESTORE model to identify different preservation and enhancement projects for stream corridors, based on existing conditions. The RESTORE alternatives were then overlaid on priority watershed areas for fish, projects that are underway or completed, and public lands to narrow the project list. Finally, available staffing and surface water management funding were estimated to determine how many and which projects would be implemented each year.

Table I-2 and Map I-1 show Clean Water Services' capital projects list for fiscal years 2004-2015. The list reflects the following broad approaches:

- **High-priority watersheds for fish and water quality are emphasized (Cedar-Chicken, Rock, Bronson, and Gales Creeks).**
- **Preservation is recommended on moderately to highly functioning streams that are at risk of future disturbance. These streams are likely to recover on their own if undisturbed. Preserved streams that are self supporting provide the Tualatin Basin with the greatest amount of free ecosystem services (e.g., shade, flow moderation, habitat) that transport water quality, quantity and aquatic habitat benefits downstream.**
- **Enhancement is proposed in slightly to moderately degraded areas and areas that connect to higher-value resources. Streams that need physical adjustments to repair altered functions are more costly and time consuming than preservation projects. It may take decades to**

**realize the improvements to stream health; if implemented correctly, however, enhancements can offer future generations a self-sustaining and fully functioning green infrastructure.**

- **Complex urban enhancement or "creation" is not recommended over the next 10 years for streams so degraded that ecosystem function is permanently damaged. The costs of these projects outweigh the environmental gains. The initial focus for such areas is stormwater management and tree planting during redevelopment activities.**



Table 1-3: Potential Flow Restoration Projects

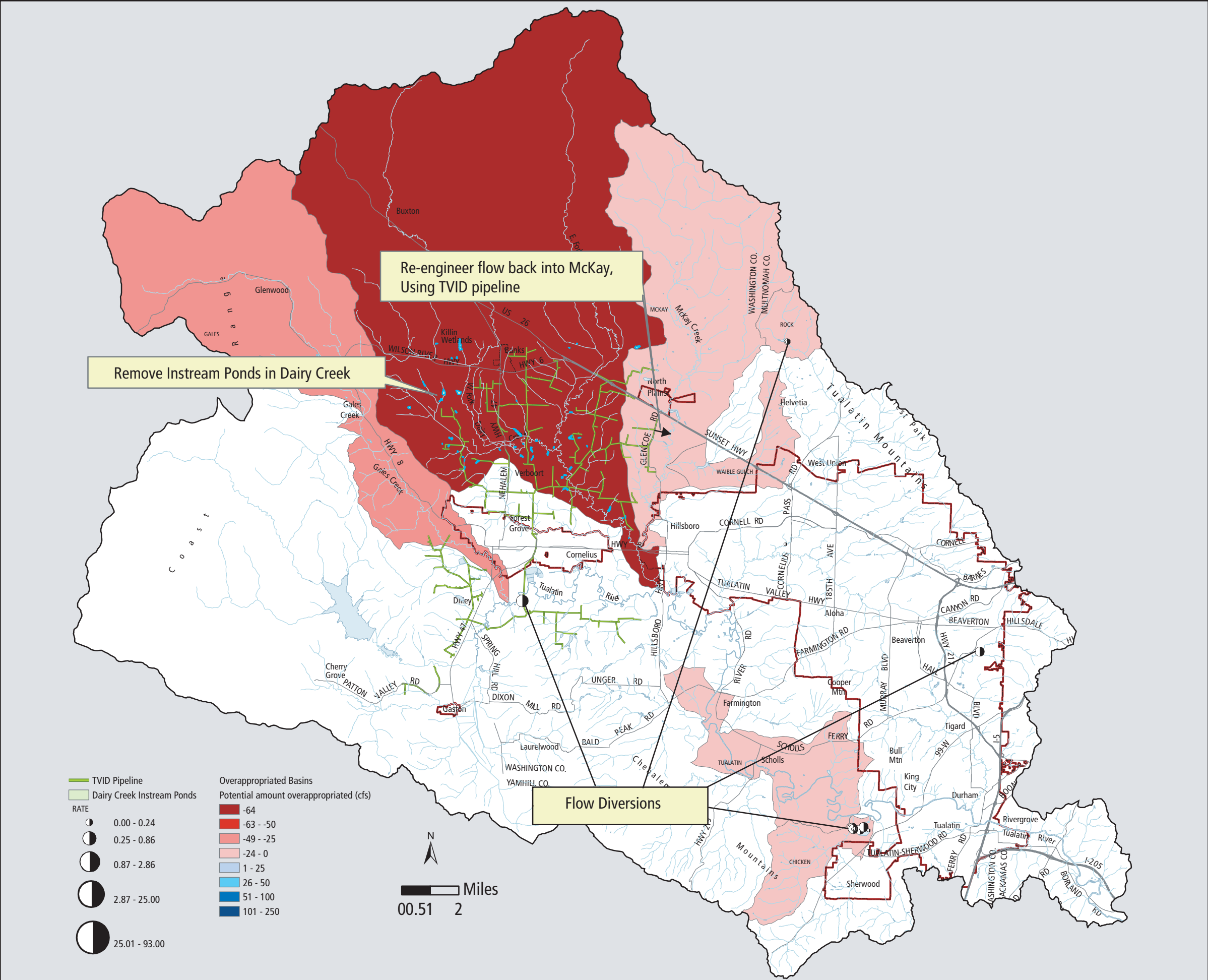
Creek	Project Location	Number	Enhancement Elements	cfs potentially restored	Miles of Tribs Down Stream	Total Cost	Project Timeline	Partners
Rock	Orenco Golf Course near Cornelius Pass Road	1 water right	Trade water in return for water left as instream flow/willing seller acquisition	0.02	5	\$250,175	2005-2015	Property Owner, Watermaster
Fanno	Fanno Creek Golf Course	1 water right	Trade water in return for water left as instream flow/willing seller acquisition	1.4	12	\$532,780	2005-2015	Property Owner, Watermaster
Rock	Rock Creek Dam near Rock Creek Road	2 water right	Dam adjustment/better flow regulation	0.6	17	\$473,689	2005-2015	Property Owner, Watermaster
Chicken	Tualatin National Wildlife Refuge	11 water rights	Trade water in return for water left as instream flow/willing seller acquisition	7.71	1	\$355,594	2005-2015	TNWR, WaterMaster
McKay	Near Glencoe and Zion Church Road	1 pump	Pump water through TVID system		9	\$430,857	2005-2015	TVID
Dairy	Misc. locations (see map)	9 ponds	Reconfigure in-stream ponds	45 acres	13	\$606,906	2005-2015	Property Owners
TOTALS				57		\$2,650,000		

Restoration of stream flows is the most critical of all stream improvements, and one of the most challenging to implement. Flow restoration greatly depends on the available water rights and water usage, landowner cooperation, the water distribution infrastructure, the stream aquatic habitat and water quality needs, and the timing of the flow needs. A detailed analysis of flow restoration opportunities (see Part II, Chapters 3 and 4) suggests that actions will need to be developed on a watershed or subwatershed basis and will likely vary significantly from one area to another. Activities that could increase base flow in local streams include creation or preservation of instream water rights; near-stream irrigation; direct discharge of replacement surface waters; stormwater management that encourages groundwater recharge; and instream structure (large wood) that restores more frequent overbank flooding. Many of the preservation and enhancement projects, as well as the policy and program refinements, include one or more of these flow restoration activities. Table I-3 and Map I-2 identify potential site-specific flow projects in flow deficient watersheds.

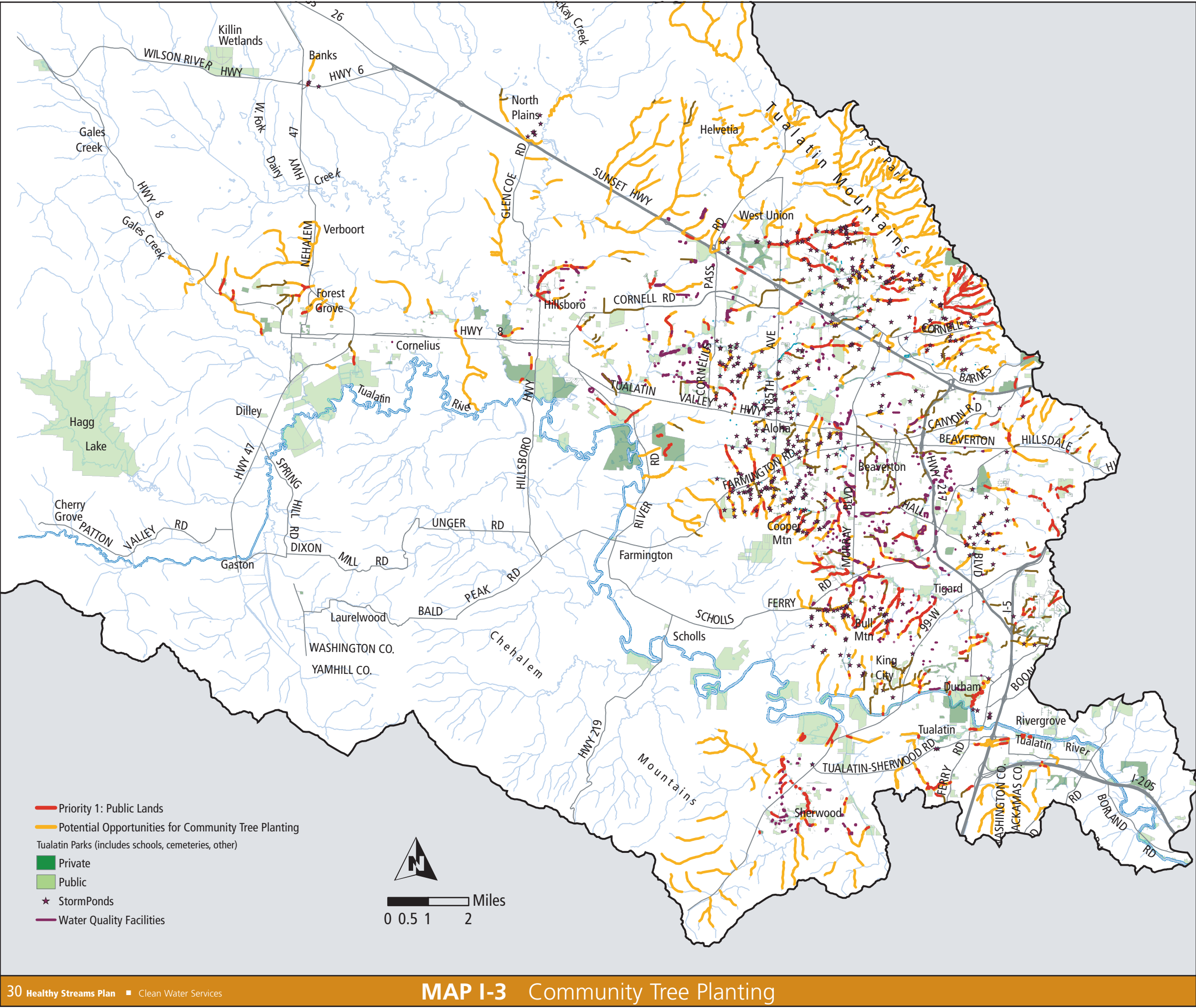
It is anticipated that the adjustments to stormwater quantity management, addition of in-stream structure, and revegetation of all small and mid-sized streams, combined with active irrigation, will move some streams toward flow recovery. Water rights negotiations with willing sellers will be an ongoing part of any enhancement project and could be developed further as an active program. The Reclaimed Water Master Plan process is developing alternatives for reclaimed water use that may include water for streams. Alternative distributions of flow restoration waters from Scoggins and Barney Reservoir are also being evaluated. Securing senior water rights for in-stream use and obtaining supplemental water are options for streams where excessive withdrawals cannot be offset by the enhancement of stream or watershed functions.



Restoring and maintaining adequate stream flow is critical to water quality and aquatic habitats during the summer and early fall. Cedar Creek near Sherwood.







# Community Tree Planting

**Table 1-4: Community Tree Planting Challenge - A Million Trees in 20 Years**

Community						Planting Targets Per Year							Total Tree Target	\$20k/ac, \$2.5/plant, ( 2614 plants/ac)
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016-2025		
Banks	107	215	322	429	536	644	536	429	322	215	107	429	4,290	\$43,548
Beaverton	5926	11852	17777	23703	29629	35555	29629	23703	17777	11852	5926	23703	237,030	\$2,406,117
Cornelius	761	1523	2284	3045	3806	4568	3806	3045	2284	1523	761	3045	30,450	\$309,101
Durham	105	210	315	420	525	630	525	420	315	210	105	420	4,200	\$42,635
Forest Grove	1435	2870	4304	5739	7174	8609	7174	5739	4304	2870	1435	5739	57,390	\$582,572
Hillsboro	5951	11901	17852	23802	29753	35703	29753	23802	17852	11901	5951	23802	238,020	\$2,416,167
King City	158	315	473	630	788	945	788	630	473	315	158	630	6,300	\$63,952
North Plains	123	246	369	492	615	738	615	492	369	246	123	492	4,920	\$49,943
Portland (in Basin est)	5250	10500	15750	21000	26250	31500	26250	21000	15750	10500	5250	21000	210,000	\$2,131,733
Sherwood	1054	2108	3161	4215	5269	6323	5269	4215	3161	2108	1054	4215	42,150	\$427,869
Tigard	3385	6770	10154	13539	16924	20309	16924	13539	10154	6770	3385	13539	135,390	\$1,374,359
Tualatin	1859	3719	5578	7437	9296	11156	9296	7437	5578	3719	1859	7437	74,370	\$754,938
Clean Water Services*	1012	2025	3037	4049	5061	6074	5061	4049	3037	2025	1012	4049	40,490	\$411,018
Community Tree Total	27,125	54,250	81,375	108,500	135,625	162,750	135,625	108,500	81,375	54,250	27,125	108,500	1,085,000	
Total Cost Per Year in 2005 dollars		\$275,349	\$550,698	\$826,047	\$1,101,395	\$1,376,744	\$1,652,093	\$1,376,744	\$1,101,395	\$826,047	\$550,698	\$275,349	\$1,101,395	\$11,013,954

\*Clean Water Services will assist cities with their planting efforts and cover full costs for Banks, Durham, King City and North Plains. The District will plant an additional one million trees as part of stream enhancement capital projects.



Community group planting along Summer Creek.

Native tree and shrub planting can offer dramatic stream health benefits for relatively low cost, particularly on small streams. Planting native vegetation wherever practicable along streams and stormwater facilities will increase stream shade, stabilize streambanks, cycle nutrients, create habitat, provide future sources of woody debris, and clean the air. It also offers opportunities for community building, education, and citizen connections to their local parks and stream corridors. Grassroots involvement can lower the cost of implementation and build support for local water quality programs.

The Community Tree Planting Challenge is a yearly performance target (number of native trees and shrubs planted and alive per

year over 3 year monitoring period) based on a gradually increasing proportion of the 2000 population of each city. Table I-4 outlines the annual planting targets for each community from 2005-2025 and provides the estimated total program cost. The ultimate goal is to plant 2 million trees over 20 years, (community based and enhancement capital projects) with a majority of the effort being completed by 2015. The planting targets increase gradually each year through 2010, then gradually decline. This approach allows the District and cities to adequately organize, staff, and fund the effort, while facilitating significant implementation in the first six years.

Map I-3 shows the priority areas along small streams; local maintenance staff will need to determine stormwater facility vegetation conditions. Details about program implementation are provided in Appendix B. The general outline of the Community Tree Planting Challenge is to:

- Plant streams that one could step across (approximately 5 feet wide or narrower) on public lands (parks, green-spaces) and on private lands with willing owners.
- Plant public or private water quality and quantity facilities that lack native vegetation.
- Use bare-root and 1-gallon native trees and shrubs provided through the District, and plant the densities and composition outlined in the District's standards, as appropriate.

- Use contractors or work crews provided through or approved by the District to conduct site preparation and maintenance.
- Coordinate neighborhood and community involvement and media for event-based streamside projects on public land. Assist private landowners with technical and material assistance from the District.
- Have the District coordinate technical aspects of site preparation, revegetation, and maintenance and monitoring activities.
- Have the cities provide financial, community awareness, and pre-event mobilization support. Individual cities may choose to participate in additional project elements as appropriate.

The Community Tree Planting Challenge will not only increase stream canopy for temperature management and other water quality benefits, but also support community building and stewardship, help local jurisdictions advance state Goal 5 programming, enhance livability, and facilitate stormwater quantity improvements by slowing flow through vegetated areas. Each jurisdiction will be responsible for reporting on the progress of its target at regular meetings. The progress of the challenge will be advertised and shared with the local community.



Table 1-5: Stormwater Outfall Retrofit - Priority Sites with High Pollutant Load Potential

Community	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total Retrofit Target	Estimated Cost (avg 90k/site)
Banks <sup>1</sup>	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Beaverton	1	1	1	1	1	2	2	2	2	1	1	15	\$1,350,000
Cornelius	0	1	0	0	0	0	0	0	0	0	0	1	\$90,000
Durham <sup>1</sup>	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Forest Grove	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Hillsboro	1	1	1	1	1	1	1	1	1	0	0	9	\$810,000
King City <sup>1</sup>	0	0	0	0	0	0	0	0	0	0	0	0	\$0
North Plains <sup>1</sup>	0	1	1	1	1	0	0	0	0	0	0	4	\$360,000
Portland* (in Basin)	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Sherwood	0	1	0	0	0	0	0	0	0	0	0	1	\$90,000
Tigard	1	1	1	1	2	2	2	2	2	1	1	16	\$1,440,000
Tualatin	0	1	1	0	0	0	0	0	0	0	0	2	\$180,000
Clean Water Services	1	1	1	1	1	2	2	2	1	1	1	14	\$1,260,000
ODOT	0	1	1	1	1	1	1	0	0	0	0	6	\$540,000
Total Retrofits	4	9	7	6	7	8	8	7	6	3	3	68	
Total Cost Per Year in 2005 Dollars	\$360,000	\$810,000	\$630,000	\$540,000	\$630,000	\$720,000	\$720,000	\$630,000	\$540,000	\$270,000	\$270,000		\$6,120,000

<sup>1</sup> Clean Water Services will implement outfall projects in these cities.  
<sup>2</sup> Portland has its own NPDES permit and outfall list.

Stormwater treatment is currently required to reduce the urban pollutants that could be transported to local surface waters. Before 1991, however, stormwater was allowed to directly discharge to streams and wetlands. As part of its 1991 NPDES stormwater outfall inventory, the District identified 106 major outfalls that discharge directly to streams and determined the predominant land use draining to each outfall. The District then used the outfall inventory, local stormwater quality data, effective impervious cover of the outfall subwatersheds, and literature to determine which outfalls have the highest priority for retrofitting or enhanced system maintenance. The District selected 68 pre-1991 outfalls as high-priority capital projects; these outfalls drain commercial, industrial, and high-traffic areas that have a potential high pollutant loading. The Surface Water Management Framework and 2000 Stormwater Management Plan also recommend developing and implementing such projects (USA 2000). Table I-5 outlines yearly performance targets for each jurisdiction to implement end-of-pipe outfall retrofits and/or to sign agreements for enhanced maintenance of areas that drain to the outfalls. The estimated average capital cost per facility or initial system cleanout is \$90,000 this means some outfalls may cost more or less depending on site conditions, drainage area etc. Detailed costs estimates should be developed at the time of implementation. Details about each priority outfall are provided in Appendix B. Map I-4 shows the locations of the priority outfalls.

The Healthy Streams Action Plan does not identify local stormwater pipe or drainage ditch systems and corresponding facility upgrades. Local drainage plans and maintenance records establish priorities for local capacity problems. However, hydraulics models should include any downstream effects that local system upgrades



This parking area at Lattice Corp. in Hillsboro has concrete pavers and a swale to manage the quality and quantity of stormwater runoff.

may have. Local jurisdictions should inform Clean Water Services or the county when and where changes are made and provide the impact analysis to the surface system and downstream culverts (see Table I-1, section 9.2).

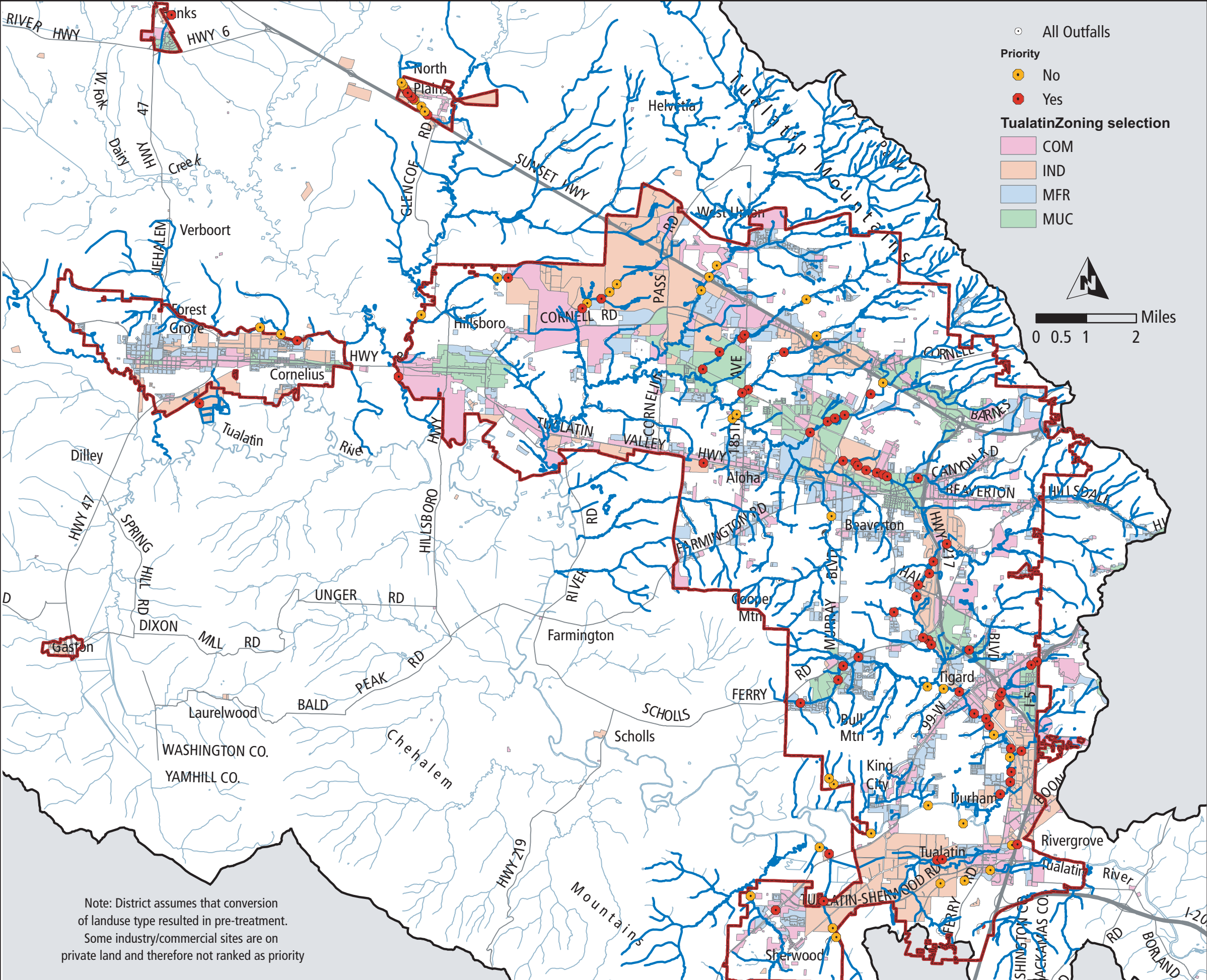




Table 1-6: Priority Culverts

Community	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016-2025	Priority Culverts	Estimated Cost (avg 90k/site)
Banks	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Beaverton	3	3	3	3	3	3	3	3	3	3	3	14	47	\$4,230,000
Cornelius	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Durham	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Forest Grove	0	1	0	0	0	0	0	0	0	0	0	0	1	\$90,000
Hillsboro	2	2	2	2	3	3	3	3	3	3	3	4	33	\$2,970,000
King City	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0
North Plains	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Portland* (in Tualatin Basin)	2	2	2	3	3	3	3	2	2	2	2	13	39	\$3,510,000
Sherwood	0	1	1	1	1	0	0	0	0	0	0	0	4	\$360,000
Tigard	3	3	3	3	3	3	3	3	3	3	3	16	49	\$4,410,000
Tualatin	0	1	1	1	1	1	1	1	1	0	0	0	8	\$720,000
Washington Co. / CWS	10	10	10	10	10	10	10	10	10	10	10	92	202	\$18,180,000
Total Culverts	20	23	22	23	24	23	23	22	22	21	21	139	383	
Total Cost Per Year in 2005 Dollars	\$1,800,000	\$2,070,000	\$1,980,000	\$2,070,000	\$2,160,000	\$2,070,000	\$2,070,000	\$1,980,000	\$1,980,000	\$1,890,000	\$1,890,000	\$12,510,000		\$34,470,000
Culverts Eligible for SDC's	103												SDC Eligible SWM / Transportation Funded	\$9,270,000 \$25,200,000

See Detailed Priority List and Type of Repair Required in Appendix B. Culvert repair should be funded with a combination of SWM and Transportation fees and system development charges

Culverts and bridges allow surface waters to flow under transportation infrastructure and other built areas. In the urban portions of the Tualatin Basin, most bridges over streams are concrete with semi-natural beds, are adequately sized to convey significant flood flows, and allow for fish passage. Conversely, culverts come in a variety of shapes, sizes, and materials, are often undersized for significant flood flows, frequently alter the geomorphic condition of the stream, and limit fish passage.

The District evaluated 1,043 culverts and bridges in the study area. Of these, 581 culverts were deficient in either conveyance or fish passage or both for some portion of the year. The locations of the deficient culverts were then overlain with transportation plans, priority watershed areas, and the location of proposed stream enhancement projects to determine which culverts were practicable to retrofit, repair, or replace. The District identified 383 priority culverts, which were further prioritized based on the type and severity of the deficiency, the fish species present, and the miles of stream the improvement would open for habitat.

Table I-6 provides the yearly performance targets for each jurisdiction to implement culvert improvements, with an estimated average cost of \$90,000 per culvert.

Some culverts will require upsizing, while others may only need channel work up or down stream. Detailed cost estimates should be developed at the time of implementation. Some of the culverts will be repaired and funded by transportation infrastructure projects. If no transportation upgrades are anticipated, culverts that are deficient in conveyance may be funded with system development charges. Culverts that are deficient only in fish passage or have erosion problems may be funded with surface water management fees. Details about each culvert's deficiency type and severity are provided in Appendix B. Map I-5 shows the locations of high-priority culvert improvements.



Culverts such as this are barriers to fish.

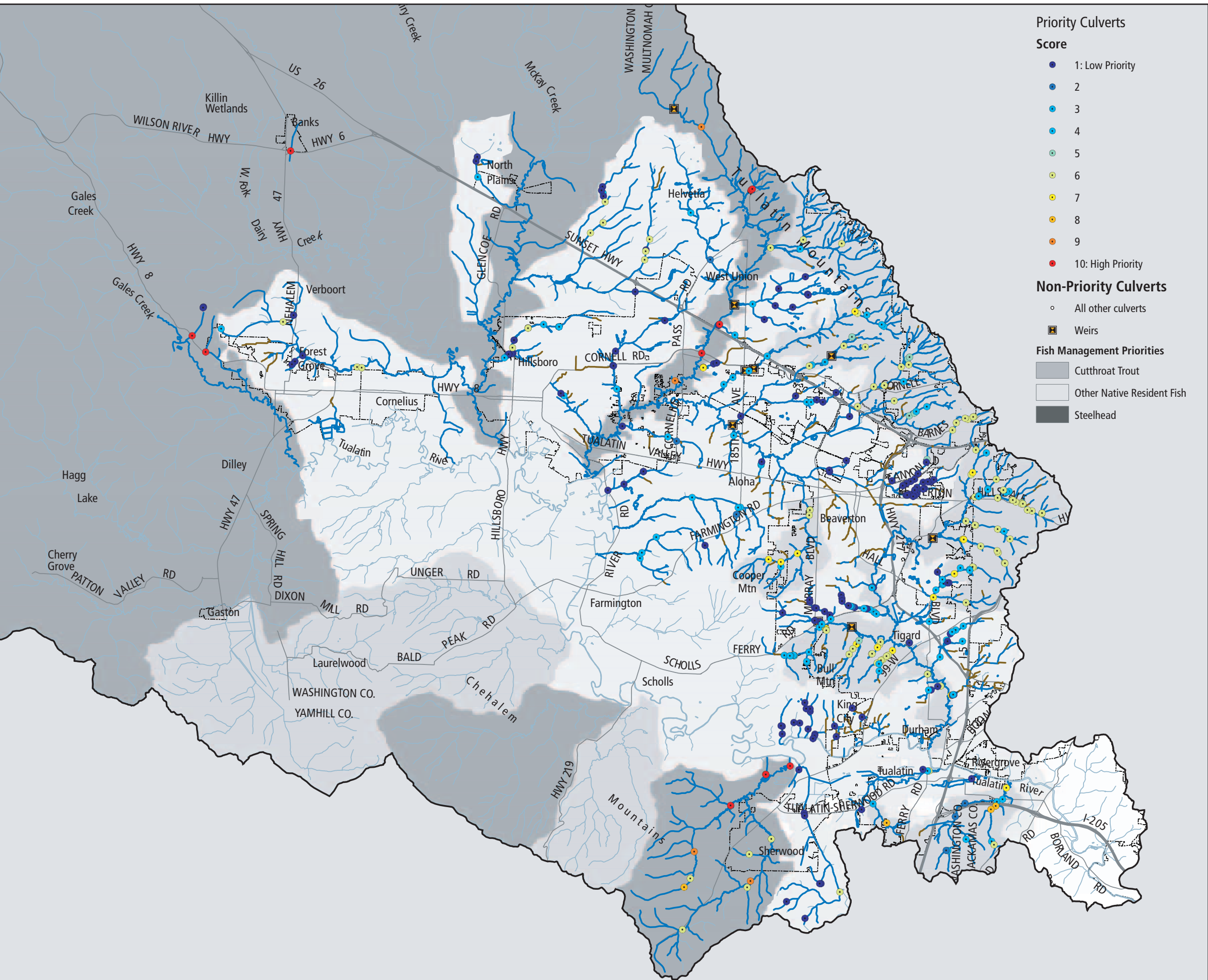




Table 1-7: Overall Planning Level Costs

Capital Projects			Costs Per Year in 2005 Dollars												
Community	Task		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016-2025	Estimated Total Costs
Banks	Tree Planting	4290	\$1,089	\$2,177	\$3,266	\$4,355	\$5,444	\$6,532	\$5,444	\$4,355	\$3,266	\$2,177	\$1,089	\$4,355	\$43,548
	Stormwater Outfalls	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Culverts	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Beaverton	Tree Planting	237030	\$60,153	\$120,306	\$180,459	\$240,612	\$300,765	\$360,918	\$300,765	\$240,612	\$180,459	\$120,306	\$60,153	\$240,612	\$2,406,117
	Stormwater Outfalls	15	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$180,000	\$180,000	\$180,000	\$180,000	\$90,000	\$90,000	\$0	\$1,350,000
	Culverts	47	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$1,260,000	\$4,230,000
Cornelius	Tree Planting	30450	\$7,728	\$15,455	\$23,183	\$30,910	\$38,638	\$46,365	\$38,638	\$30,910	\$23,183	\$15,455	\$7,728	\$30,910	\$309,101
	Stormwater Outfalls	1	\$0	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$90,000
	Culverts	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Durham	Tree Planting	4200	\$1,066	\$2,132	\$3,198	\$4,263	\$5,329	\$6,395	\$5,329	\$4,263	\$3,198	\$2,132	\$1,066	\$4,263	\$42,635
	Stormwater Outfalls	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Culverts	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Forest Grove	Tree Planting	57390	\$14,564	\$29,129	\$43,693	\$58,257	\$72,822	\$87,386	\$72,822	\$58,257	\$43,693	\$29,129	\$14,564	\$58,257	\$582,572
	Stormwater Outfalls	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Culverts	1	\$0	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$90,000
Hillsboro	Tree Planting	238020	\$60,404	\$120,808	\$181,213	\$241,617	\$302,021	\$362,425	\$302,021	\$241,617	\$181,213	\$120,808	\$60,404	\$241,617	\$2,416,167
	Stormwater Outfalls	9	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$0	\$0	\$0	\$810,000
	Culverts	33	\$180,000	\$180,000	\$180,000	\$180,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$360,000	\$2,970,000
King City	Tree Planting	6300	\$1,599	\$3,198	\$4,796	\$6,395	\$7,994	\$9,593	\$7,994	\$6,395	\$4,796	\$3,198	\$1,599	\$6,395	\$63,952
	Stormwater Outfalls	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Culverts	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
North Plains	Tree Planting	4920	\$1,249	\$2,497	\$3,746	\$4,994	\$6,243	\$7,492	\$6,243	\$4,994	\$3,746	\$2,497	\$1,249	\$4,994	\$49,943
	Stormwater Outfalls	4	\$0	\$90,000	\$90,000	\$90,000	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$360,000
	Culverts	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Portland* (in Tualatin Basin)	Tree Planting	210000	\$53,293	\$106,587	\$159,880	\$213,173	\$266,467	\$319,760	\$266,467	\$213,173	\$159,880	\$106,587	\$53,293	\$213,173	\$2,131,733
	Stormwater Outfalls	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Culverts	39	\$180,000	\$180,000	\$180,000	\$270,000	\$270,000	\$270,000	\$270,000	\$180,000	\$180,000	\$180,000	\$180,000	\$1,170,000	\$3,510,000
Sherwood	Tree Planting	42150	\$10,697	\$21,393	\$32,090	\$42,787	\$53,484	\$64,180	\$53,484	\$42,787	\$32,090	\$21,393	\$10,697	\$42,787	\$427,869
	Stormwater Outfalls	1	\$0	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$90,000
	Culverts	4	\$0	\$90,000	\$90,000	\$90,000	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$360,000
Tigard	Tree Planting	135390	\$34,359	\$68,718	\$103,077	\$137,436	\$171,795	\$206,154	\$171,795	\$137,436	\$103,077	\$68,718	\$34,359	\$137,436	\$1,374,359
	Stormwater Outfalls	16	\$90,000	\$90,000	\$90,000	\$90,000	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000	\$90,000	\$90,000	\$0	\$1,440,000
	Culverts	49	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000	\$1,440,000	\$4,410,000
Tualatin	Tree Planting	74370	\$18,873	\$37,747	\$56,620	\$75,494	\$94,367	\$113,241	\$94,367	\$75,494	\$56,620	\$37,747	\$18,873	\$75,494	\$754,938
	Stormwater Outfalls	2	\$0	\$90,000	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$180,000
	Culverts	8	\$0	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$0	\$0	\$0	\$720,000
Clean Water Services*	Tree Planting	40490	\$10,275	\$20,551	\$30,826	\$41,102	\$51,377	\$61,653	\$51,377	\$41,102	\$30,826	\$20,551	\$10,275	\$41,102	\$411,018
	Stormwater Outfalls	14	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$180,000	\$180,000	\$180,000	\$90,000	\$90,000	\$90,000	\$0	\$1,260,000
	Culverts	101	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$4,140,000	\$9,090,000
	Stream Enhancement Flow Restoration		\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,250,000	\$1,250,000	\$1,250,000	\$1,250,000	\$1,250,000	\$12,500,000	\$25,950,000
			\$150,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$0	\$2,400,000
ODOT	Stormwater Outfalls	6	\$0	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$0	\$0	\$0	\$0	\$0	\$540,000
Washington County	Culverts	101	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$4,140,000	\$9,090,000
Total Capital Costs Per Year			\$3,785,349	\$4,880,698	\$4,886,047	\$5,161,395	\$5,616,744	\$5,892,093	\$5,666,744	\$5,211,395	\$4,846,047	\$4,210,698	\$3,935,349	\$26,111,395	\$80,203,954
Total Policy and Program Refinement Options Costs			\$0	\$828,000	\$765,000	\$715,000	\$712,000	\$712,000	\$712,000	\$712,000	\$712,000	\$712,000	\$712,000	7,120,000	\$14,412,000
Total Overall Costs/Year for 20 years (2005 Dollars)			\$3,785,349	\$5,708,698	\$5,651,047	\$5,876,395	\$6,328,744	\$6,604,093	\$6,378,744	\$5,923,395	\$5,558,047	\$4,922,698	\$4,647,349	\$33,231,395	\$94,615,954

Funding Sources

SDC Eligible Projects	\$9,270,000
Transportation Funded Projects	\$9,630,000
SWM Fee Funded Capital	\$61,053,954
SWM Fee Funded Operating	\$14,612,000

Total Resources Needs

Total SWM fee funded elements	\$75,665,954
Cost already funded under existing SWM program	\$30,083,000
Total additional funds needed for HSP over 20 year program	\$45,582,954

Implementation and Monitoring

Implementation of the Healthy Streams Action Plan requires a flexible management approach that can adapt to changes in staffing, funding, partners, policies, regulations, and watershed/ stream conditions. A successful plan will consistently ensure:

- Efficient use of surface water management funds over time
- Commitment of local jurisdictions and community members to meet their assigned targets
- Monitoring effectiveness
- A self-evaluating adaptive management process

The Healthy Streams Plan is a voluntary water master plan that lists policies and programs, and suggests projects that will further improve the health of our water resources. Approval and implementation of the Plan by the District and local jurisdictions does not obligate them to implement all the actions identified, nor does it change the current funding and obligations of the existing surface water management program. For the Cities, the Plan was designed to encourage steady consistent progress towards performance targets for trees, culverts, and outfalls. Working within the context of existing program activities the Plan brings focus to certain needs, while providing the Cities with the flexibility to determine the timing and scope of projects so that they fit within their existing programs. For the District, projects and programs proposed will also be tracked to show steady progress. Due to various implementation circumstances, project listed may change and policies and programs further refined to meet the overall intent of improving stream health. As projects are scoped, more detailed timelines, cost estimates, and funding will be developed.

Funding

Managing surface and stormwater can be a complex and expensive public program if managers attempt to address all problems, everywhere. The Healthy Streams Plan process was designed to identify and focus on the actions that offer increasing environmental value for the dollar spent. The Action Plan meets federal Clean Water Act and Endangered Species Act goals and supports complementary environmental/land use goals (such as Statewide Planning Goals 5, 6, and 7) by allocating funds to projects and programs that will improve natural resource conditions over time. The Action Plan avoids high-cost, low-benefit projects and applies a graduated scale of expected resource improvements, based on existing watershed conditions.

The estimated overall cost to implement all aspects of the Healthy Streams Action Plan is \$95 million over 20 years. Table I-7 shows the planning level costs in 2005 dollars of each major Action Plan element, by jurisdiction. The cost table is based on average conditions for all actions, policies, and programs in 2005; most projects will be more or less expensive depending on site conditions and final project scope. Implementation of the Action Plan is focused on completing over half of the priorities by 2010. Greater effort in the first quarter of the Action Plan timeframe will generate compounding benefits over the remaining 15 years. Activity will gradually level off or even decline as the surface water system is improved and becomes more self-sustaining.

The Action Plan will be funded predominantly by surface water management fees. Some culvert repairs will also eligible to use system development charges and transportation funds. The District and local jurisdictions have approximately \$12 million in surface water management fee balances and contingency and \$16 million in system development charges as of June 2004. These funds can be used to start the implementation, but a future surface water management fee increase will be necessary to support the Action Plan.

The District and local jurisdictions have spent their funds judiciously and have anticipated that Action Plan implementation will draw upon the reserve funds. As presented in Table II-7, the surface water management program is funded at a modest level relative to similar jurisdictions in the state. The public values survey found over 90 percent of the respondents consistently willing to support a fee increase of \$1 to \$2 per month. With rising operating costs, yearly inflation, increasingly strict regulatory mandates, and the depletion of reserves to aggressively implement the Action Plan, the buying power of the surface water management fees is declining. A modest rate increase that will hedge against inflationary pressures over time and provide adequate funding to implement the Action Plan is recommended.

Commitment to act

Commitment to implementing the Action Plan is needed at all levels - from mayors and managers to maintenance staff. While Board adoption provides important formal recognition of the Action Plan, staff commitment will determine the Action Plan's long-term success.

Assurances to implement the Action Plan involve commitments by Clean Water Services and the local jurisdictions to provide necessary services and funding. Most of the activities can be implemented without IGA's. Project specific IGA's that involve cost share or other agreements can be developed at the time of implementation. The District is willing to provide training on project implementation as requested by the Cities. Funding and service

guarantees would be required by NOAA (National Oceanic and Atmospheric Administration) if the District and local jurisdictions decide to submit the Healthy Streams Plan as a Habitat Conservation Plan to obtain limited liability status under the Endangered Species Act.

A “SWM Team” is proposed to foster commitment to implementing the Action Plan, as well as other SWM-related activities. The team will include staff members from the local jurisdictions and the District and will meet quarterly to report on the status of their activities. Yearly SWM status reports will be distributed to all city managers, other interested staff, and stakeholders. News media will be engaged to focus attention on implementation successes. Managers will be asked to make the performance targets a priority in their work and the work of their staff. A fundamental awareness and commitment to implementing the Action Plan is needed to create the critical mass necessary to achieve the targets. Consistent and continuous action by dedicated individuals will be crucial to achieving long-term success.

Monitoring

To monitor the Action Plan’s effectiveness, baseline conditions must be established. For the Healthy Streams Plan, baseline conditions for the streams’ physical attributes were documented in 2000-2001 as part of the planning process. Continuous, long-term monitoring of water quality and flow, and periodic monitoring of biological communities and physical habitat conditions, are also relevant. The District already implements an extensive monitoring program in the Tualatin Basin (see Part II, Chapter 3), and is currently reviewing the program to determine if additional or different monitoring activities will advance the understanding of the system’s ecology.

It is important to document changes in water quality, quantity, and habitat conditions over time, as well as to identify the likely causes, so best management practices can be adjusted. Table I-1, section 8.0, identifies monitoring physical and biological attributes of the system and lists project-specific monitoring activities. These options may become part of the comprehensive monitoring program or stand alone as independent short-term projects.

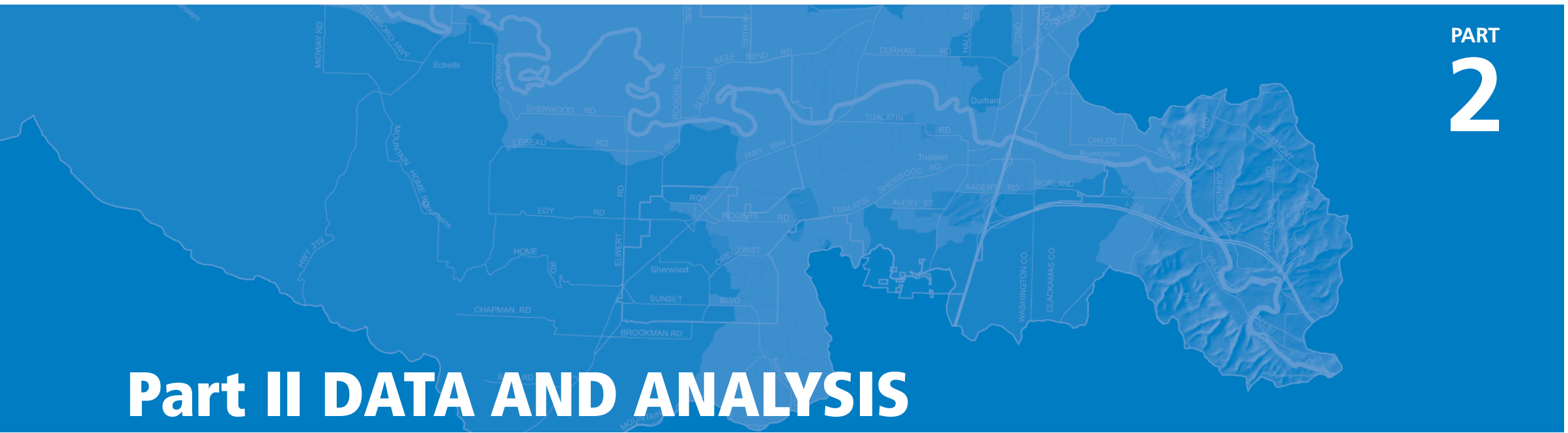
In addition to resource monitoring, action monitoring is also necessary. The District and Cities have databases and GIS systems that will be used for tracking the location, actions, and costs on various project sites. This will be particularly helpful for monitoring tree planting and enhancement actions. Creating an institutional memory regarding activities on various sites improves long term commitment to their success.

To ensure that the surface water management program continues to advance positively, the District will periodically reevaluate the

policy and program refinements and capital project implementation, starting in 2010. The SWM Team will be responsible for reporting progress and recommending any adjustments.

Adaptive Management

Adaptive management is the process of planning, implementing, monitoring, and adjusting actions in an effort to meet a desired goal. The SWM Team and status reporting described above will facilitate an adaptive management strategy for the Healthy Streams Plan. Elements of the Plan will inevitably change, but the staff members who implement the Plan will be in a position to readily adapt to changing conditions. Adaptive management will allow Clean Water Services and the local jurisdictions to systematically adjust actions over time as they gain implementation experience and knowledge. This approach will help the watershed community stay on course toward improving watershed and stream health.



Introduction

The Healthy Streams Action Plan was derived from social, economic, and environmental data and analysis gathered over three years. The Action Plan is grounded in the foundation of sustainability, which requires integrating socioeconomic and environmental concerns in a manner that produces a fair and equitable plan for current and future generations. Part II, Chapters 1-4, summarize the information used to develop the recommendations in Part I (the Action Plan). Additional detailed information and results are available in the Appendices and on the District’s website: [www.cleanwaterservices.org](http://www.cleanwaterservices.org).

# THE HEALTHY STREAMS PLAN

A Basic Review and  
The City of Tigard's Role.....

# What is the Healthy Streams Plan?

The Healthy Streams Plan is an adaptable management strategy to enhance the functions of the Tualatin River Basin's surface water system, our "green infrastructure," including streams, wetlands, floodplains, and their associated buffers.

# Why is the Healthy Streams Plan Needed?

- CWS and partners (Tigard) manage pollution by extensive storm and waste water treatment.
- Dramatic water quality improvements have been achieved over 30 years through advancement in infrastructure.
- Now the challenge is to effectively manage diverse and diffuse non-point sources of pollution.

# “Green Infrastructure” is the Key?

Yes.....

Even with clean water from storm and sanitary systems, the Tualatin River and its tributaries lack needed water flow, canopy coverage, and stable stream structure necessary for the surface water system to maintain good water quality.



# How does the Plan Work?

The Healthy Streams Plan Establishes Goals  
in 5 Areas

- Stream preservation and enhancement
- Flow restoration
- Community tree planting
- Outfall retrofitting
- Culverts

# What is Tigard's Role in the Healthy Streams Plan?

- Community tree planting in riparian corridors
- Stormwater outfall retrofitting
- Culvert replacement



# Why Community Tree Planting?



# Benefits:

- Increase shade - maintain water temperature
- Stabilize stream banks, cycle nutrients, filter pollutants and provide woody debris
- Create wildlife habitat
- Clean the air
- Provide educational opportunities
- Build community stewardship
- Offer dramatic benefits for low costs

# Community Tree Planting





# Tigard's Tree Planting Goals

- |        |           |       |
|--------|-----------|-------|
| ■ 2006 | ■ 6770    | Trees |
| ■ 2007 | ■ 10,154  | Trees |
| ■ 2008 | ■ 13, 539 | Trees |
| ■ 2009 | ■ 16,924  | Trees |
| ■ 2010 | ■ 20, 309 | Trees |

# Why Stormwater Outfalls?



# Benefits:

- Before 1991, stormwater was allowed to discharge directly into streams and wetlands untreated.
- The Healthy Streams Plan focuses on retrofitting or enhancing maintenance of systems installed before 1991.
- By improving outfalls which drain commercial, industrial, and high-traffic areas, urban pollutant loads can be significantly reduced.

# Tigard's Outfall Improvement Goals

- |        |              |
|--------|--------------|
| ■ 2006 | ■ 1 Outfall  |
| ■ 2007 | ■ 1 Outfall  |
| ■ 2008 | ■ 1 Outfall  |
| ■ 2009 | ■ 2 Outfalls |
| ■ 2010 | ■ 2 Outfalls |



# Why Culverts?





# Benefits:



- Improve fish habitat and allow fish passage



- Stabilize stream structure/control erosion, incision, and protect stream banks



# Tigard's Culvert Improvement Goals

- |        |              |
|--------|--------------|
| ■ 2006 | ■ 3 Culverts |
| ■ 2007 | ■ 3 Culverts |
| ■ 2008 | ■ 3 Culverts |
| ■ 2009 | ■ 3 Culverts |
| ■ 2010 | ■ 3 Culverts |

# What will this Cost?

	2006	2007	2008	2009	2010
TASK					
Tree Planting	\$69,000	\$107,000	\$138,000	\$172,000	\$206,000
Stormwater Outfalls	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000
Culverts	\$270,000	\$270,000	\$270,000	\$270,000	\$270,000

# Why should Tigard strive to meet Healthy Streams Plan Goals?

- The plan is an outstanding guide for effective use of stormwater quality and quantity funds.
- Water temperature control is a mitigation requirement and is also a leverage point for our DEQ stormwater permit.
- Continued efforts to improve water quality will help to ensure that no further restrictions are placed on the region.

# Healthy Streams and Tigard City Council Goals

The Healthy Streams Plan supports a number of the City's Vision Task Force Goals

- Promotes volunteerism (community tree planting challenge)
- Protects the natural environment and protects open space
- Effectively manages stormwater

# What Issues Face Tigard in Implementing the Plan?

- Work load and staffing/project management
- Funding
- Project permitting
- Updating inventories of culverts and outfalls (1991)
- Strategic management of opportunities within the City for cost effectiveness
- Commitment/focus



# Hiteon Creek Restoration Planting Jan/Feb 2006



# Hiteon Creek Community Tree Planting





# Derry Dell Creek Community Tree Planting



# Healthy Streams Questions and Comments?

Contact

Surface Water Quality/Volunteer Coordinator

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